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## Third Committee

**Summary record of the 16th meeting**
Held at Headquarters, New York, on Friday, 13 October 2006, at 3 p.m.

*Chairman*: Mr. Faati (Vice-Chairman) ..... (Gambia)
*later*: Mr. Al Bayati (Chairman) ..... (Iraq)

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*In the absence of Mr. Al Bayati (Iraq), Mr. Faati (Gambia), Vice-Chairman, took the Chair.*

*The meeting was called to order at 3.10 p.m.*

**Agenda item 60: Social development** (*continued*)

**(c) United Nations Literacy Decade: education for all** (*continued*) (A/C.3/61/L.4)

*Draft resolution A/C.3/61/L.4: United Nations Literacy Decade: education for all*

1. **Ms. Enkhtsetseg** (Mongolia), introducing the draft resolution on behalf of the sponsors, said that Brazil, Côte d'Ivoire, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Kazakhstan, Madagascar, Mexico, Morocco, Myanmar, Panama, the Russian Federation and Senegal had joined in sponsoring the draft resolution.

2. Almost four years had passed since the launch of the United Nations Literacy Decade. Despite the efforts made by Member States and other stakeholders to implement the outcome of the Decade and its International Plan of Action, literacy still remained a distant dream for over 700 million adults and 100 million children worldwide. That was unacceptable in a world where access to information and knowledge was the basis for opportunity and growth. Literacy was a serious challenge that needed to be given far greater attention and resources. It was also closely interrelated to other problems — above all, poverty eradication. The fact that the map of literacy continued to overlap with the map of social, gender and ethnic inequalities made the struggle for literacy a struggle not only for education, but also for social justice, human dignity and empowerment.

3. In 2005, world leaders had highlighted the importance of formal and informal education in poverty eradication and other goals, and had supported efforts by Member States to implement the Education for All initiative. While primary responsibility lay with Governments, the international community should continue to support national efforts. The successful implementation of agreed targets would largely depend on coordinated efforts by the international community. To that end, the draft resolution requested the United Nations Educational, Scientific and Cultural Organization (UNESCO) to reinforce its lead role in coordinating the Decade and to conduct the mid-Decade review in collaboration with all Decade partners during 2007 and 2008.

4. It was unlikely that the Decade's goals would be met unless effective action was taken. There was also growing concern that literacy was not sufficiently high on national agendas. The international community needed to take concrete action to achieve the Decade's outcomes and regularly review progress made. To that end, the draft resolution also requested all relevant United Nations bodies, in cooperation with Governments, to take immediate, concrete steps to address high illiteracy rates and requested the Secretary-General to seek the views of Member States on the progress achieved in implementing their national programmes and plans of action and to submit the next progress report on the implementation of the International Plan of Action to the General Assembly in 2008.

5. Lastly, she introduced the following revisions: in the third preambular paragraph, "recalling further" should be replaced by "reaffirming", the words "Outcome", "in" and "world leaders" should be deleted from the first line, and the phrase "and the need to strive for expanded secondary and higher education as well as vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty" should be inserted after "illiteracy"; and in the eighth preambular paragraph, the phrase ", that over 100 million children are still out of school" should be replaced by "and about 100 million children of primary school age are still not enrolled in primary schools".

6. Her delegation had also received some suggestions concerning the operative paragraphs but wished to consult the sponsors before presenting the final text to the Committee.

7. **The Chairman** said that Algeria, Argentina, Bangladesh, Israel, Liberia, Thailand and Yemen had joined in sponsoring the draft resolution.

**Agenda item 63: Promotion and protection of the rights of children** (*continued*) (A/61/303)

**(a) Promotion and protection of the rights of children** (*continued*) (A/61/41, Corr.1 and Add.1, 207, 275 and Corr.1, and 299)

**(b) Follow-up to the outcome of the special session on children** (*continued*) (A/61/270)

8. **Ms. Cavaliere** (Bolivarian Republic of Venezuela) said that her country was building a new model of social and economic development centred on the human being. The Government had recognized children and adolescents as developing persons having the rights and responsibilities belonging to all human beings. Accordingly, in 1998 it had approved the Organic Law on the Protection of Children and Adolescents, according to which they were the subjects of rights and responsibilities which must be safeguarded by the State, the family and society. By adopting that law, Venezuela had also brought its domestic legislation into line with its international commitments, particularly those relating to the Convention on the Rights of the Child. It also now had a national child- and adolescent-protection system under the National Council for Child and Adolescent Rights.

9. As part of its efforts to promote and protect the rights of young people, her Government had implemented comprehensive care programmes for children, low-income families and single mothers; implemented a school-meals programme; developed an immunization programme for the most vulnerable children; recognized the right of children and adolescents to education, thereby allowing children without identification documents to enrol; and strengthened the Intersectoral Commission against Sexual Abuse and Commercial Sexual Exploitation. The Bolivarian Republic of Venezuela condemned all forms of violence against children and adolescents and called on all States that had not yet done so to follow its lead and become a party to the Convention on the Rights of the Child and its two Optional Protocols.

10. The economic and social environment in which children and adolescents grew up must not be ignored. The world must recognize that the poverty facing millions of children and adolescents throughout the world seriously violated their rights and hindered their development. While it was a welcome contribution, the Independent Expert's study on violence against children (A/61/299) did not address the issue from that perspective. Its recommendations, though valuable, were therefore incomplete. Poverty, hunger, lack of education and disease were some of the worst forms of violence against children and adolescents and were, moreover, linked to trafficking in, and prostitution and sexual and commercial exploitation of, children and adolescents.

11. Her country was also concerned about violence in the media. In 2005, the Government had approved the Law on the Social Responsibility of Radio and Television, which aimed to establish social responsibility among service providers, advertisers, independent producers and users.

12. **Ms. Enkhtsetseg** (Mongolia) said that implementation of the final document of the twenty-seventh special session, entitled "A world fit for children", would be a major boost to attaining the Millennium Development Goals. For its part, Mongolia was currently implementing a national plan of action for the protection and development of children. The United Nations Children's Fund (UNICEF) had also recently approved the forthcoming country programme for Mongolia.

13. Mongolia was committed to ratifying and implementing the Convention on the Rights of the Child and its two Optional Protocols. Her Government had adopted a law on the protection of the child and a law on domestic violence, and approved a national plan of action on trafficking in and protection of children and women from commercial sexual exploitation. The plan of action aimed to prevent the spread of human trafficking by creating the relevant legal environment, raising awareness and improving protection and rehabilitation for victims.

14. Children and young people needed to be directly involved in formulating, implementing and monitoring child-related strategies. In 2005, her Government had convened a national consultative meeting to discuss a draft policy framework on child and youth participation, in which the relevant ministries and agencies, members of parliament, local governors, NGOs, international organizations and, most importantly, children themselves had participated. The aims were to create an enabling environment that supported child and youth participation in a wide range of areas; to tell children and young people about their

rights and provide them with all the information they needed to make informed choices; and to create an environment where their opinions were heard and respected. That would require a major change in the mindset of adults. To that end, the framework placed a particular emphasis on parenting education and on the training of all professionals working with children. The framework was in the process of being finalized to reflect the ideas raised at the consultative meeting. Once adopted and implemented, it would ensure that children's and young people's right to participate would be enforced in practice.

15. In November 2005, a national summit had been held to assess progress in implementing the recommendations of the Committee on the Rights of the Child in response to Mongolia's second periodic report. Over 1,000 representatives of governmental and non-governmental institutions and children from all over the country had attended. The broad involvement of all stakeholders, including children, in identifying challenges and designing solutions would help strengthen efforts to achieve the goals of both the Convention on the Rights of the Child and the twenty-seventh special session. Mongolia would spare no effort in implementing those goals through both national efforts and cooperation with its development partners.

16. **Ms. Aliyeva** (Azerbaijan) said that, from the outset, Azerbaijan had supported the preparatory process for the United Nations study on violence against children (A/61/299) by participating in regional consultations and providing input at the national and regional levels. Her Government attached great importance to the findings and recommendations of the study, but wished to highlight a number of issues.

17. She endorsed the study's recommendation concerning comprehensive prevention strategies that would address the underlying causes and establish long-term policies to eradicate stereotypes and discriminatory attitudes. While the study touched on some particularly vulnerable groups, such as street children and refugee and other displaced children, the focus on children living in especially difficult circumstances should be much stronger, as such children — particularly those suffering the consequences of armed conflict — were incomparably more vulnerable than children living under normal conditions. The issue undoubtedly required more concerted and continued efforts at all levels.

18. The protective factors outlined in the study, meanwhile, should be elaborated further so that they could be studied and mainstreamed into relevant national policies and legislation. Efforts aimed at strengthening and supporting the family and good parenting warranted particular attention. The gender dimension of violence against children was another issue requiring special emphasis. Sociocultural misconceptions caused different forms of violence against young girls. Awareness of the issue needed to be raised, for example through educational programmes, programmes for young parents, and information and media campaigns.

19. Noting that national efforts should be complemented by international action, she encouraged international and regional organizations, particularly UNICEF, and the donor community to assist countries in building institutional capacity and implementing the relevant national policies. While stressing the critical follow-up role played by UNICEF and other United Nations entities, she also wished to stress the importance of regional activities. In particular, regional organizations such as the Council of Europe should be involved in implementing the recommendations and provide input to national efforts. It would also be useful for the study to be launched nationally, disseminated in a child-friendly version and translated into national languages.

20. Turning to the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/61/275), she said it was a heartbreaking reality that armed conflicts remained one of the major threats to the protection of children's rights worldwide. As a country whose younger generation had shared the plight of millions of other child victims of armed conflict, Azerbaijan had from the beginning supported the Special Representative's mandate and activities, particularly efforts to end impunity for those responsible for crimes against children in wartime. The international community should give particular attention to all child victims of armed conflict, irrespective of whether the conflict in question was ongoing, frozen or protracted, and grave violations against children in all conflict settings should be adequately addressed.

21. Her Government had established a State Committee for Family, Women and Children, the first Government agency directly responsible for drafting and implementing State policy on children. The

Committee worked in close partnership with UNICEF, the United Nations Population Fund (UNFPA) and other relevant organizations. It had submitted to the Cabinet of Ministers a draft national action plan on family and women and its recommendations for the new programme of action on the protection of child and maternal health. Moreover, as a result of its efforts, the issue of violence against women and children had been reflected in the State programme on poverty reduction and sustainable development.

22. She expressed appreciation to UNICEF for the tremendous work it did for the welfare of Azerbaijan's children. The long-standing partnership between Azerbaijan and UNICEF in key areas of concern was critical for ensuring implementation of national strategies.

23. **Mr. Makanga** (Gabon) said that the study on violence against children (A/61/299) reflected the realities facing today's children. He hoped that the international community would take account of the study's recommendations, which his delegation supported, in order to put an end to all violence against children.

24. If the international community had so far failed in its quest to protect children against violence, it was because it had never taken the trouble to listen to them, always seeking instead to solve children's problems without involving them, and speaking on their behalf without understanding their problems, thereby building a wall of incomprehension between the two. Children were the first victims of poverty, armed conflict, disease and many forms of violence, including sexual exploitation. That sad reality contrasted with international commitments.

25. In the four years since the adoption of the Plan of Action for a world fit for children, the condition of children had hardly changed. The issuance of the study on violence against children must encourage the international community to do more for children, in particular by stepping up the involvement of Governments, United Nations specialized agencies, NGOs, the media, religious leaders, teachers, parents, members of parliament and children themselves. Together, the world could and must build a powerful chain of solidarity in favour of children.

26. Since ratifying the Convention on the Rights of the Child in 1994, his Government had taken many initiatives to promote and protect the rights of children, such as creating a radio station run by young people, in cooperation with the United Nations Development Programme (UNDP) and UNESCO; establishing a fund to help AIDS orphans, in partnership with the Joint United Nations Programme on HIV/AIDS (UNAIDS); setting up a children's parliament; and, most recently, setting up a national observatory to monitor children's rights. Moreover, the Parliament had adopted a law prohibiting trafficking in and exploitation of children throughout the country.

27. **Ms. Faye** (Senegal) said that her country had ratified almost all the international instruments on the protection of children and had recently submitted its second periodic report to the Committee on the Rights of the Child. The Government had instituted an integrated community approach to preschool education, providing health-care, nutritional and educational services that had been recognized by UNESCO as a universal model. Access to primary education had improved considerably and there was every indication that "education for all" would be achieved by 2010.

28. The Ministry of Health had implemented primary-health-care programmes for children that included vaccination campaigns, treatment of childhood diseases, the management of epidemics and malaria, and the treatment of children living with HIV/AIDS. It had also reduced infant and child mortality substantially.

29. Senegal was firmly committed to implementing the Convention on the Rights of the Child. It had adopted laws and had established programmes and mechanisms to protect children's rights including, inter alia, a family education project in Koranic schools and a counselling and information centre to protect victims of trafficking and to combat the marginalization of children. Other initiatives included the adoption of a national strategy to eliminate child labour; birth registration; the elimination of excision and early marriage; an advocacy campaign to eliminate violence against children; a joint initiative with development partners and civil society to rehabilitate street children; and the integration of issues arising from the Convention into school curricula and training programmes for court officials.

30. **Mr. Noghès** (Monaco) said that the Convention on the Rights of the Child had highlighted the need to ensure that children reached their potential and that their human rights were respected. In 2004, Prince

Albert II had invited the international community to work together to end the impunity of perpetrators of violence. In that regard, it was necessary to reorganize existing actions and resources and, possibly, elect a special representative for violence against children who would focus on promoting cooperation at the regional and international levels.

31. States had an obligation to enforce respect for children's rights; guarantee their access to basic services; and provide assistance to families so that children could benefit from a safe and healthy environment. In Monaco, children with disabilities were taken care of in accordance with the guidelines of the Council of Europe and the recommendations of the Economic and Social Council.

32. The Government was currently implementing a cooperation programme for the improvement of health and education in four African countries. Initiatives had been developed to combat malnutrition, opportunistic diseases, the practice of excision and the transmission of HIV/AIDS to small children; provide children with disabilities with means to move around; and support child victims of sexual abuse. Moreover, as a UNESCO Goodwill Ambassador, Princess Caroline of Hanover was helping with a project on strengthening women's capacities to promote education for children in rural areas in two African countries.

33. His delegation welcomed the initiative of making the results of the study on violence against children accessible to children themselves as a means of preventing such violence. It also encouraged Governments to reintegrate abused children and ensure their active participation in forums aimed at preventing violence.

34. **Mr. Al-Shehab** (Kuwait) said that the recommendations set forth in the reports under discussion would help in promoting the rights of children. The protection of children — the future of all societies — was of the utmost importance and was integral to the protection of human rights. It was essential to elaborate plans and programmes aimed at ensuring that children enjoyed a secure and stable future.

35. Kuwait devoted a great deal of attention to children and early child care, not least because the majority of its inhabitants were under 18 years of age. Moreover, it was classified as having a high rate of development. The Government had devised numerous educational and child-health-care programmes through a variety of governmental and non-governmental institutions, and a committee for children and the family was responsible for monitoring the implementation of conventions and recommendations. Kuwait also had several associations for children with disabilities and special needs that worked for the social integration of such children, who enjoyed the same rights as able children. The education indicators for Kuwait were similarly high and its child mortality rates were being reduced by over 2 per cent annually.

36. Kuwait's concern for children extended to the regional and international levels. It had, for instance, established an association dedicated to the early development of Kuwaiti and Arab children, as well as an Arab children's council, and it spared no effort when it came to participating in and organizing international conferences and seminars on children. Kuwait had also ratified the Convention on the Rights of the Child and its two Optional Protocols and was a party to ILO Convention No. 182 concerning the Worst Forms of Child Labour.

37. Lastly, he drew attention to the plight of children living in difficult circumstances and children who were victims of armed conflict and foreign occupation. In the recent Israeli aggression against Lebanon, children had accounted for one third of the casualties; children were also victims of the Israeli occupation of Palestine. Efforts should therefore be redirected to implementing the letter and spirit of the Convention on the Rights of the Child in order to protect those rights and guarantee a secure future for children.

38. **Ms. Al-Humaidi** (Qatar) said that her country was intent on promoting and protecting the rights of children, in accordance with its new Constitution and the Convention on the Rights of the Child. Indeed, the Committee on the Rights of the Child had welcomed Qatar's new Constitution and its enactment of a law prohibiting the involvement of children in camel racing. It had also welcomed the country's efforts to review the provisions of its criminal and labour laws, as well as its establishment of a shelter providing care and rehabilitation for victims of trafficking, including children.

39. Qatar was putting the finishing touches to its new national plan for children, which focused on three core areas: survival and health; development and education; and protection against violence, abuse and neglect. It

was also preparing to draft a new law on children. Ministries and civil-society institutions were additionally making concerted efforts to draw up programmes to strengthen children's rights. Progress had been made in establishing institutions catering to various categories of children, and cooperative efforts were under way with local and international organizations to enhance the performance of personnel working with children. In conjunction with the Office of the United Nations High Commissioner for Human Rights (OHCHR), efforts were also under way to promote awareness of the Convention on the Rights of the Child and provide relevant training courses for, inter alia, judges, doctors and labour inspectors.

40. Lastly, Qatar had extended assistance to Asian disaster victims in order to alleviate their suffering and discharge some of the collective responsibility for such tasks as rebuilding schools and helping sick women and children in the countries affected.

41. **Ms. Abdelhak** (Algeria) said that the violence described in the in-depth study on violence against children (A/61/299) was particularly disturbing because it often took place within the family or school. Society had an obligation to protect children and to spread the message that violence against children was a grave violation of human rights. A special representative on violence against children, as proposed by the Independent Expert, could make a significant contribution by helping States implement the recommendations in the study.

42. Algeria had launched a series of awareness campaigns and had developed a national strategy focusing on the legal, physical, social, behavioural and sexual aspects of violence against children. The Government had adopted a new comprehensive law that incorporated all the provisions on the protection of children found in the Constitution, the civil and criminal codes and relevant international instruments to which Algeria was a party, including the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child and ILO Convention No. 182 concerning the Worst Forms of Child Labour. The law recommended the appointment of an ombudsman who would prepare an annual report on the rights of the child and participate in the drafting of reports to United Nations bodies. The ombudsman would also play an important role in limiting violence by ensuring that existing laws were implemented.

43. The Government was of the opinion that children living under foreign occupation came within the scope of the study and that their situation deserved to be examined.

44. **Ms. Mwaffisi** (United Republic of Tanzania) said that her Government had taken several measures to promote and protect the rights of the child. It had ratified the Convention on the Rights of the Child and its two Optional Protocols, the African Charter on the Rights and Welfare of the Child and ILO Convention No. 182. The Government had also established a human rights commission whose mandate included the monitoring of children's rights, while a directorate coordinated all issues relating to children.

45. In many developing countries, the protection of children was the responsibility of the family and the community. However, as a result of rural-urban migration, HIV/AIDS and high levels of poverty, social safety nets had eroded, the community was no longer able to care for children, and child labour had increased. With the support of its development partners, the Government was implementing a pilot project to combat the worst forms of child labour in a number of sectors. It was also implementing a justice-facilitation programme aimed at addressing the abuse of children's rights and ensuring that orphans were taken care by the community with the assistance of the State.

46. In an attempt to curb violence in schools, education policy provided for the participation of children in school boards, while taking into account gender parity. In addition, a nation-wide junior council enabled children from a broad range of backgrounds to contribute to the national development agenda, child development and the national poverty strategy.

47. The Government believed that the promotion and protection of children's rights depended on cooperation among Governments, civil society organizations, development partners and other stakeholders. The international community needed to work together to translate its pledges into concrete actions and achieve its goals.

48. **Ms. Al Saleh** (Oman) said that Oman, as a State party to the Convention on the Rights of the Child, had recently submitted its second periodic report to the Committee on the Rights of the Child. Other instruments ratified by Oman included the Protocol to Prevent, Suppress and Punish Trafficking in Persons,

Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ILO Convention No. 138 concerning Minimum Age for Admission to Employment, and the two Optional Protocols to the Convention on the Rights of the Child.

49. In Oman, there was no gender discrimination in education, health or social and legal services. The Civil Status Act guaranteed an identity for every child born in Oman or elsewhere to Omani parents or an Omani father and for all children of unknown parents. Significant progress had been achieved in child health. Child mortality had dropped dramatically and new education programmes had led to a decrease in juvenile deaths caused by traffic accidents. The Ministry of Health was cooperating with other ministries and UNICEF to combat malnutrition, which continued to be a problem.

50. The Ministry of Education had made considerable effort to provide free education to all children over the age of six and had sought the assistance of UNICEF on ways to incorporate the general principles of the Convention on the Rights of the Child into the school curriculum. The Government had also taken steps to ensure that children were able to express their ideas and views through, inter alia, an electronic website and a television programme which encouraged dialogue with officials concerning educational issues.

51. The Ministry of Social Development was coordinating with other ministries, NGOs and UNICEF to prepare a national strategy for Omani children, which was expected to be completed by early 2007.

52. *Mr. Al Bayati (Iraq), Chairman, took the Chair.*

53. **Mr. Al-Sada** (Yemen) said that the daily tragedies experienced by Palestinian children on account of the arbitrary practices of the Israeli army were extremely disturbing, as were the numbers of innocent children killed by the huge quantities of cluster bombs left scattered by that same army in southern Lebanon during the recent war. He called on the international community to assume its responsibilities in regard to those matters.

54. He said that sharia law provided for the rights of the child, both before and after birth, and added that Yemen had sought to ensure that its international obligations concerning those very rights were covered under its Constitution and legislation. Yemen had ratified the Convention on the Rights of the Child and its two Optional Protocols, as well as ILO Convention No. 182 concerning the Worst Forms of Child Labour. It had a Higher Council for Maternal and Child Welfare, and had enacted a new children's law. A number of departments had also been established to deal with children's affairs and various child-related studies were under way. Basic education was now free and corporal punishment in schools was prohibited. In regard to health matters, female genital mutilation was little practised in Yemen; it was outlawed in hospitals and Government health units. The country had also adopted measures to prevent child smuggling and trafficking in children.

55. The Yemeni President's recent election manifesto had emphasized such matters as protection for children against violence, the amendment of laws in line with a new children's law and expanded immunization campaigns. As for the involvement of children in legislation and planning, Yemen had pioneered a unique experiment in the form of a children's parliament, designed to instil democratic principles and familiarize children with their rights. The child parliamentarians were able to request an audience with the appropriate ministers to discuss improvements to the situation of children in Yemen. Yemen spared no effort in providing alternative care facilities for children with special needs, including orphans and street children. Yemen had now moved from the stage of legislation to that of implementation, although more concerted efforts would be necessary at the national and international levels in order to overcome the remaining obstacles.

56. **Ms. Al-Shamisi** (United Arab Emirates) said that her country had adopted a comprehensive development policy based on the conviction that people were a country's real wealth and that children were its most important asset for the future. In consequence, the State had enacted laws and taken the necessary measures to ensure the protection of children's interests and prepare them as well as possible for the future. The establishment of the Supreme Council for Childhood and Motherhood was one of the major steps taken by the Government to enhance the care given to children.

57. An important measure taken to protect the rights of children, both nationals and foreigners, was the federal law adopted in 2005 prohibiting the involvement of young people under the age of 18, in

camel races. The State had been applying very strict enforcement, including tight control on all entries to the country to prevent the smuggling of children for any purpose, including camel racing, as well as the imposition of fines or prison sentences on violators. Children removed from camel races were provided with education, medical treatment and, if possible, reintegration into their families.

58. The country's remarkable progress in its care for children included the reduction of infant and under-five mortality to 8 per thousand, one of the lowest rates worldwide, immunization of 95 per cent of children against childhood diseases and the elimination of polio in 2002. Further achievements included reaching 86 per cent enrolment in elementary schools for both sexes. the provision of social care for orphans, and the use of modern methods for care and rehabilitation of disabled children and those with special needs. Centres had been established to provide social support to abused or neglected children, and others had been set up for the reformation of delinquents in accordance with the latest methods.

59. The United Arab Emirates felt deep concern about the tragic humanitarian and security conditions under which children were living in the occupied Palestinian territories, where they suffered violence and destruction at the hands of the occupying Israeli Power. Thousands of children suffered death, maiming and displacement, together with the spread of poverty and dangerous diseases, in contravention of international humanitarian law and in flagrant violation of human rights. The international community should redouble its efforts to compel Israel to stop its hostile policy and respect international humanitarian law, especially the fourth Geneva Convention, in its treatment of civilians, including women and children. The international community should also provide support to the Palestinian people to help them meet their essential needs, until a just, comprehensive and lasting settlement for the Palestinian problem could be reached.

60. **Mr. Margarian** (Armenia) said that protection of the rights of children remained high on the Government's agenda. The necessary conditions were being created for the upbringing and development of children, including those who had been neglected, especially by improving and expanding legislation. Amendments had been made to the Family Code, the Civil Code and the Law on Protection of Children without Parental Care. The Government had identified the types of institution that were allowed to provide child care, and had prescribed rules for the accommodation of children in such institutions.

61. The country's child-protection policy was designed to create a family-like environment for every child. A special strategy covered children in difficult circumstances. The main principles included prevention of discrimination and abuse, provision of equal conditions, creation of a family-like environment, and activation of the role of the community in resolving children's issues, through cooperation and an integrated approach.

62. A project currently under way in one of the northern regions of Armenia was aimed at reducing the number of "social orphans". It sought to promote the return of children to their families and the reactivation of their ties with their community by establishing a protective environment. The next goal would be for the financial resources to be shifted to supporting their families, with the aim of ensuring their care and upbringing in their biological family.

63. Creation of the institution of the foster family would greatly help orphaned children, by taking them out of orphanages. It would also assist in the distribution of the targeted help from the Government, would reduce costs to the State budget and create jobs for foster families. Steps had been taken towards establishing the appropriate legal basis and implementing pilot projects, with invaluable assistance from UNICEF.

64. Another Government project was designed to assist children who had left orphanages by creating conditions for their full integration into society, including in the areas of accommodation, vocational guidance and training, provision of a basic income, and free health care and legal assistance.

65. **Ms. Hill** (New Zealand), speaking also on behalf of Australia and Canada, said that in order to bring about a future that was sustainable, prosperous and secure, a world had to be created where children could reach their full potential and where they were treated as human beings having dignity and rights. It was necessary to move beyond providing basic services to supporting the whole of the child's development and its active participation at family, community and national level.

66. The three countries welcomed the increase in States parties to the Convention on the Rights of the Child over the past year, and reiterated their hope that universal ratification would soon be achieved. They also acknowledged the work of the Committee on the Rights of the Child and UNICEF in particular in promoting and making the commitments a reality. Over the past four years they had voiced their concern that the United Nations continued to lack an adequate framework in which to promote and debate children's rights. United Nations reform and the establishment of the Human Rights Council provided an opportunity that should not be missed. There was a need to look at new approaches beyond the omnibus draft resolution on the rights of the child and to open up United Nations forums to the contributions of children and their representatives.

67. The much-anticipated Independent Expert's study demonstrated that violence against children was a global phenomenon that impoverished families, communities and countries. The three countries commended the process of preparing the study, in particular the contribution of children, and supported full consideration of its recommendations.

68. They also commended the progress made in the implementation of Security Council resolution 1612 (2005) on children and armed conflict, and welcomed the recommendations of the Security Council Working Group on Children and Armed conflict with regard to the Democratic Republic of the Congo. Also welcoming the report of the Secretary-General on children and armed conflict in the Sudan, they urged the Working Group to make similar recommendations.

69. More broadly, the three countries encouraged the Security Council to apply targeted and graduated measures against parties to conflict who continued to commit atrocities against children, and in doing so to use all the tools at its disposal, such as mandating peacekeeping missions and naming all violators. Implementation of Security Council resolution 1612 (2005) was critical to bridging the gap between international norms and the grim reality still faced by too many children caught in armed conflicts.

70. The General Assembly was preparing to adopt a Convention on the Rights of Persons with Disabilities, which would be a milestone in the realization of the rights of children with disabilities on an equal basis with others. That convention included a specific provision on the rights of the child, and the three countries hoped that it would help to create the kind of inclusive society in which the potential of all children could be realized. Australia, Canada and New Zealand called on all Member States to sign and ratify the new convention as soon as possible.

71. **Mr. Ritter** (Liechtenstein) noted that one of the main messages of the in-depth study was that full respect for the physical and psychological integrity of children must be a universally applied rule of civilization. Liechtenstein welcomed the highly participatory approach adopted in the preparation of the study and the unprecedented level and quality of participation by children. The study and its preparatory work could significantly contribute to enhancing political commitment, accelerating momentum and strengthening concerted action at all levels in order to address violence against children. It should provide the necessary knowledge base with regard to the extent of different types of violence, enabling targeted counter-measures to be drawn up.

72. However, Liechtenstein was somewhat concerned that the broadness of the approach taken in the study might render follow-up difficult, owing to an apparent lack of focus and priorities. Efforts and resources to ensure effective follow-up could also be overstretched if there was no clear division of tasks among the different actors within the United Nations system already promoting children's rights. Creating a new mechanism, as recommended by the study, would not per se solve that problem since such a mechanism would be tasked with addressing all forms of violence against children without distinction. For that reason, Liechtenstein took the view that any mandate created or complemented to ensure proper follow-up must be based on clear criteria as to the situations and issues in which concrete action was needed.

73. Situations in which children were particularly vulnerable should be given continued special attention by the international community. That was especially true for armed conflicts, and it needed to be stressed that, despite the promising progress recently made under the leadership of the Special Representative for Children and Armed Conflict, much more needed to be done in order to bridge the large implementation gap in that area. Establishing a new United Nations mechanism with a primary focus on alternative discipline in school and at home would not be commensurate with the seriousness of violations of

children's integrity in a number of situations outside armed conflict. At the same time, he agreed that the follow-up to the study should be promoted in a way that was also accessible and visible to children. Such visibility could be facilitated through the involvement of the Human Rights Council. The Council, in its monitoring activities in the field of children's rights, would also be well placed to build on the momentum created by the study on violence. In addition, Liechtenstein suggested that enhanced use be made of the system of goodwill ambassadors in order to give the follow-up high visibility.

74. For the follow-up to be successful, the various measures needed to be taken at all levels. The preparatory process had shown that regional organizations could play an essential role in creating a favourable environment for political momentum and action by States. At the national level, it would be important to cooperate with human rights institutions, while follow-up at the local level would particularly benefit from an active civil society in the promotion and protection of children's rights. With full involvement at all those levels, decisions taken at the United Nations level would have the greatest chance of making a real difference to the life of children at risk of violence.

75. **Ms. Asani-Ndelemani** (Malawi) said that Malawi continued to uphold the ideals of the Convention on the Rights of the Child and of the final document of the special session on children, as well as remaining fully committed to the implementation of the Millennium Development Goals, of which almost all directly addressed the rights of children. For the full and harmonious development of any child's personality, he or she must grow up in a family environment, in an atmosphere of happiness, love and understanding. Accordingly, the Government had put in place a number of specific measures covering early-childhood development, orphans and other vulnerable children, and children's survival, protection and development. They included programmes for health promotion, quality education, protection against abuse, exploitation and violence, and for combating and mitigating the impact of HIV/AIDS.

76. In 2005, Malawi with the support of UNICEF had launched a zero-tolerance campaign on child abuse. It involved information, education and communication through television and radio programmes. Moreover, paralegals had been deployed to monitor prisons and provide legal aid to children in conflict with the law. The Government continued to alert the general public, law enforcement bodies, commercial enterprises and farmers to the increased risk of child labour and sexual exploitation of young girls. A programme to prevent sexual and economic exploitation and abuse of children was currently being implemented in seven districts in the southern region of the country. The challenge would be to bring the initiative to full scale so as to cover vulnerable children countrywide.

77. In its effort to reduce child mortality, Malawi was implementing an approach for the integrated management of childhood illnesses. Through its plan of action for orphans and other vulnerable children, Malawi was seeking to improve the lives of children made vulnerable by HIV/AIDS, poverty and other factors. With regard to HIV/AIDS, the focus was on prevention, care and support programmes, and on increasing the visibility of children affected and infected. More support was needed to ensure timely testing, treatment and access to antiretroviral treatment. In addition, it was critical to scale up the prevention of mother-to-child transmission.

78. Under its efforts to ensure education for all, Malawi had adopted a universal free primary education programme. In addition, targeted programmes had been designed to address gender issues within the education sector, as well as issues of poor attendance, repetition and dropout of children at all levels. The provision of quality education remained a serious challenge. Further, children had to be educated as to their basic human rights, so that when those rights were violated they themselves could call for help. However, children needed also to be made aware that rights went hand-in-hand with responsibilities.

79. **Ms. Halabi** (Syrian Arab Republic) said that her Government had legislated for the promotion and protection of children's rights. It attached great importance to children's issues, particularly since over half of its population was under 19 years of age, and carefully monitored the implementation of national plans for children. Enormous strides had been made in recent years, under a national strategy devised by the Ministry of Education, in association with UNICEF and the Aga Khan Development Network. As a result, the idea of a children's parliament had been born as a way of providing young teenagers with a democratic platform for dialogue, listening and creativity, as well as a means of boosting self-confidence and results-

oriented discussion. Two successful pilots had already been conducted in one governorate, but the final goal was to have such a parliament in each governorate.

80. In addition, a national child protection plan had been elaborated on the basis of research on child abuse, and a national child abuse register had been established. Other measures included awareness-raising campaigns, the incorporation of children's rights into school curricula and the establishment of a child shelter and a child hotline.

81. The Syrian Arab Republic actively participated in and hosted regional Arab gatherings relating to children's affairs. It had ratified the Convention on the Rights of the Child and its two Optional Protocols, as well as ILO Convention No. 182 concerning Worst Forms of Child Labour and ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

82. A considerable number of Syrian children, however, were denied the benefit of such achievements, having lived under the Israeli occupation of the Syrian Golan since 1967. They suffered daily from the arbitrary practices of the occupation authorities, including, inter alia, the closure of Arabic-language educational facilities and the imposition of Israeli curricula and nationality, the aim being to obliterate the sense of national belonging among the younger generations. Thousands of families had also been forcibly removed from their homes and their possessions seized. Equally disturbing were the daily repressive practices of the Israeli occupation forces against Palestinian children and the massacre of children during the Israeli raid on Lebanon. Over a million cluster bombs had been dropped on Lebanon, many of them resembling toys or sweets, thereby indicating Israel's deliberate targeting of children, leaving many killed or disabled. The second Israeli attack on Qana in 2006 had also killed 25 children who had already been left permanently disabled from the first attack in 1997.

83. She stressed that there should be no discrimination or double standards when it came to dealing with child-related issues and to elaborating a comprehensive strategy to eliminate violence against children in the interest of future generations.

84. **Mr. Amorós Núñez** (Cuba) observed that, as Member States came together to evaluate compliance with the commitments undertaken to improve the conditions of life of all children, there were no grounds for optimism or celebration. At the present time, more than 115 million children were not attending school; more than 11 million under-fives died every year from curable diseases; the AIDS pandemic now affected more than 2 million people under the age of 15, with more than half a million children dying every year; and infant mortality was still far too high, in some regions almost reaching three figures per thousand live births. Those stark figures contrasted sharply with the idyllic picture painted by those who were the beneficiaries of neoliberal globalization.

85. But bringing about a world in which children enjoyed all their rights, free from poverty, marginalization and exclusion, was not a matter of fine words: it was necessary to change the current unfair economic order that worked to the benefit of only 20 per cent of the population of the planet and excluded the rest. Without international solidarity, without an end to so much inequality between countries, without the promotion of social development for all, there would be no way to eradicate child poverty or reduce its effects, or to resolve the conflicts affecting children around the world.

86. While welcoming the Independent Expert's study on violence against children (A/61/299), Cuba would have preferred a more wide-ranging approach, looking at the different aspects of violence rather than taking a simple approach to what was a multifaceted phenomenon. That would have made the study a more useful contribution towards resolving the tragic situation of many of the world's children.

87. While recognizing also the work of the Special Representative of the Secretary-General for Children and Armed Conflict as outlined in his report (A/61/275), he wished to reiterate Cuba's concern that the General Assembly was being progressively edged away from its mandate concerning promotion and protection of the rights of the child, while the influence of the Security Council in that area was growing.

88. Cuba could point with pride to advances in its care for children, starting from the efforts to guarantee all children a good start in life and universal access to education, goals that were far from being achieved in many countries of the world. The entire child population of Cuba had access to all health services, and infant mortality had dropped by 2004 to 5.8 per thousand live births. The entire population of primary

school age was enrolled, and 99 per cent of those between the ages of 12 and 15 were attending secondary school. The teacher-to-pupil ratio in primary education was 1 to 20.

89. Cuba had made those achievements despite the blockade maintained against it for more than four decades, constituting a fundamental obstacle to the expansion of social benefits to all children. Under these circumstances, maintaining the advances achieved in the most significant indicators for child survival and development constituted an ongoing challenge that called for enormous efforts by the Government and society. Thus, the blockade was a fundamental expression of violence against the children of Cuba.

90. If there was not greater solidarity, if selfishness did not cease and if a fairer and more sustainable international economic order was not established, then only a few children of the planet would be able to enjoy "a world fit for children".

91. **Ms. Sulimani** (Sierra Leone) said that her Government had ratified the Convention on the Rights of the Child and its two Optional Protocols. Once the decade-long war in her country had been declared over in 2002, her Government had established the Ministry for Social Welfare, Gender and Children's Affairs and had taken other concrete steps to protect the rights of all children in Sierra Leone, irrespective of age or gender, and to care for the many children who had suffered cruel treatment during the war.

92. In order to mitigate some of the problems generated by post-war trauma, the Government was continuing to adopt measures to protect children, in consonance with the Convention and the commitments set out in the final document of the special session of the General Assembly on children (resolution S-27/2, annex). For example, a National Commission for War-Affected Children had been established, and a child rights bill, awaiting enactment, presented a framework for harmonizing national laws on children with the existing international human rights instruments.

93. Her country was focusing its efforts on a number of areas essential to the well-being of children, in particular, protection from violence, abuse, abduction and exploitation, free compulsory education, and adequate health care. However, health and education facilities for children in remote communities remained inadequate; cultural values favouring boys still existed; adequate infrastructure and trained personnel required to combat human trafficking were lacking; additional reforms to legislation on juvenile justice and child sexual abuse were needed; and the situation of orphans and other vulnerable children was growing critical, particularly in view of the HIV/AIDS pandemic.

94. Sierra Leone had already made progress towards honouring the commitments annexed to General Assembly resolution S-27/2, yet much remained to be done to that end. She expressed her Government's appreciation to UNICEF and all its other development partners for the very valuable assistance they had provided on many issues relating to the promotion and protection of the rights of children. Her delegation hoped that those partners would continue to support her country's efforts in behalf of children.

95. **Mr. Srivoranart** (Thailand) said that the Thai Government was fully committed to implementing all its commitments undertaken at the special session (General Assembly resolution S-27/2, annex). Early in 2006 Thailand had become a party to the two Optional Protocols to the Convention on the Rights of the Child and had submitted its second periodic report under the Convention.

96. The Declaration and Plan of Action annexed to General Assembly resolution S-27/2 had been incorporated into his country's national strategy and plan of action, in whose formulation a wide range of stakeholders, including children, had participated. Children would also be active players in the implementation, monitoring and evaluation processes. The strategy and plan were also being translated into action at the local level, where their impact was most noticeable.

97. It was imperative to adopt an uncompromising approach to the protection of children. His delegation therefore welcomed the Independent Expert's study on violence against children (A/61/299) and endorsed, among other recommendations, his proposal to appoint a special representative on violence against children (ibid., para. 120). The representative could serve as a crucial catalyst for action at the global, regional and national levels and provide a mechanism for greater policy coherence and operational coordination among agencies, both within and outside the United Nations system.

98. All forms of structural violence against children must also be tackled, including poverty,

underdevelopment, lack of basic sanitation and safe drinking water, inadequate health-care infrastructure, armed conflict, gender inequality, and criminal exploitation and abuse of children. He also drew attention to the perils of HIV/AIDS, which was leaving behind it a "generation of orphans".

99. His delegation strongly supported measures to prevent violence to children and underscored the importance of sensitizing the wider public to the dangers of such violence to both children and society. Empowerment of children was also an effective prevention strategy, and accordingly all children should have the opportunity to receive a quality education, particularly on human rights issues. Relevant agencies in Thailand would conduct "training for trainers" workshops on the rights of the child throughout the country, and those trainers would pass their knowledge on to their peers and, most importantly, to children. His country had also established councils for youth and children to enhance their participation on issues affecting their lives.

100. **Mr. Sadykov** (Kazakhstan) said that the conclusions and recommendations of the Independent Expert's study on violence against children provided a sound basis for the future work of Member States and the United Nations system to protect children from violence. Implementation of the Convention on the Rights of the Child and of General Assembly resolution S-27/2 depended largely on the political will and economic capacity of Member States and the effectiveness of international assistance provided to countries in need.

101. Children were full members of society from the moment they were born and therefore should enjoy all human rights. His country's multisectoral approach to the promotion of the rights and interests of children involved Government agencies, a human rights ombudsman, and national NGOs and youth movements, which cooperated with one another. Measures which his Government was implementing to benefit children included action to improve the status of women and children; improved legislation and arrangements for education, health care and social services for children; a national plan on human rights integrating the rights of the child into school and university curricula; and a plan of action to combat and prevent human trafficking. In response to the recommendations of the Committee on the Rights of the Child concerning his country's initial report on the implementation of the Convention on the Rights of the Child, his Government had established a Committee on Child Protection under the Ministry of Education and Science.

102. Kazakhstan continued to face serious problems with respect to juvenile delinquency, child neglect and child mortality and was working closely with international agencies to confront those issues. In recognition of UNICEF's efforts on behalf of the world's children, his Government would continue to make voluntary contributions to the Fund.

103. **Ms. Kalamwina** (Zambia) said that her delegation supported the recommendations in the Independent Expert's study on violence against children and urged the international community to endeavour to implement them fully.

104. Zambia's ongoing commitment to the promotion and protection of the rights of children was demonstrated by its ratification of the Convention on the Rights of the Child, its support for General Assembly resolution S-27/2 and its commitment to the Millennium Development Goals. She cited examples of the considerable progress her country had made in implementing the Convention, including advances in primary health care, especially in efforts to combat HIV/AIDS; nutrition; school enrolment; constitutional and legislative protection against corporal punishment; and enhancement of the rights and protection of citizens, especially children, through amendments to the Penal Code.

105. Her Government thanked its development partners for their invaluable support of those efforts and called upon them for their continued assistance to enable her country to achieve its goals.

*The meeting rose at 6.05 p.m.*

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## Third Committee

**Summary record of the 17th meeting**
Held at Headquarters, New York, on Monday, 16 October 2006, at 10 a.m.

*Chairman*: Mr. Ballesteros (Vice-Chairman) ..... (Costa Rica)
*later*: Mr. Al-Bayati (Chairman) ..... (Iraq)

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Agenda item 63: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

(b) Follow-up to the special session on children (*continued*)

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*In the absence of Mr. Al-Bayati (Iraq), Chairman, Mr. Ballesteros (Costa Rica), Vice-Chairman, took the Chair.*

*The meeting was called to order at 10.15 a.m.*

**Agenda item 63: Promotion and protection of the rights of children** (*continued*) (A/61/303)

**(a) Promotion and protection of the rights of children** (*continued*) (A/61/41 and Corr.1 and Add.1, A/61/207, A/61/275 and Corr.1 and A/61/299)

**(b) Follow-up to the special session on children** (*continued*) (A/61/270)

1. **Ms. Hubard** (Suriname) said that her Government saw investment in children as an investment in sustainable human development, and was implementing policies that would guarantee the well-being of its young citizens. The Ministry of Social Affairs and Housing was the lead institution for monitoring and coordinating social policy and programmes for children. The Government also acknowledged the importance of civil society in the protection of children, particularly in the establishment of a child-abuse network aimed at eliminating violence against children. A comprehensive analysis of the social development and poverty situation of children had led to the drafting of a national policy with nine main objectives: to give priority to the policy for children, optimize their legal protection, provide health care, focus on early childhood, provide access to quality education, eliminate violence, malnutrition and exploitation, protect children and youth from HIV/AIDS, and tackle poverty. The involvement of children and young people in the design of policies concerning them was very important, and a youth parliament had been elected in 2004. Her Government looked forward to the review of progress towards "a world fit for children" in 2007.

2. **Ms. Tincopa** (Peru) said that her Government recognized that children were subjects of law, and that the State had an obligation to guarantee enforcement of the laws protecting them. Poverty eradication and reduction of social inequality were part of its strategic agenda for action, and its policies in the areas of health, education, nutrition, well-being of families and protection from violence, exploitation and abuse, along with inclusion of youth in decision-making, would benefit children. The Government was undertaking a series of measures to eradicate child sex tourism and had increased the sentences for the crime of child sexual abuse. It was launching a policy on domestic violence that would also affect children and adolescents. Peru fully endorsed the view that violence against children could never be justified and was preventable.

3. Much remained to be done in meeting commitments regarding the rights of children, and Peru was committed to pursuing its efforts. Implementation of and follow-up to the recommendations in the study on violence against children (A/61/299) were of utmost importance for each Member State. However, her delegation believed that coordination within the United Nations system was necessary, and would welcome the appointment of a special representative of the Secretary-General to promote the rights of the child on the global level (ibid., para. 120).

4. **Mr. Xhaferraj** (Albania) said that, after signing a Stabilization and Association Agreement with the European Union, Albania was striving to implement European Union standards for the promotion and protection of human rights. It had ratified the most important international instruments on the protection of children, and had initiated the ratification process for the Optional Protocols to the Convention on the Rights of the Child. Sectoral policies on violence against children were also being developed.

5. The national strategy for children stated that children had the right to special protection by the State and included measures to address child abuse, trafficking and prostitution, and child labour. A "child helpline", which provided access to a range of social services, had also been established.

6. Government policies on the promotion and protection of human rights must be complemented by extensive consultation and involvement of society at large. Government institutions had thus established cooperation with non-governmental organizations (NGOs) for the protection of the rights of the child, and their input was a constructive addition to the human-rights debate.

7. Child victims of exploitation in Albania were a legacy from past rural poverty, weak institutional decentralization, migration and lack of funds. The Government was cooperating with UNICEF and other

specialized agencies to support its efforts to protect those children. It was striving to meet the challenges of protecting its children at the national level as rapidly as possible, and was fully committed to the international effort to build a prosperous future for children worldwide.

8. **Mr. Kadiri** (Morocco) said that, although the mandate of the international community for the protection of children was clear, it was also clear that there was far to go in achieving the desired objectives. The most basic rights, the right to education and health care, were denied to millions of children, and in many regions of the world they were subjected to exploitation and suffered the consequences of armed conflict.

9. Morocco had ratified the Convention on the Rights of the Child in 1993, and since then had been engaged in harmonizing its national legislation with the Convention. In 2004, it had begun a national programme to provide school supplies and textbooks to needy pupils in primary and secondary schools. The new Labour Code also contained provisions outlawing child labour, in line with International Labour Organization Convention No. 182. The Government had also included a children's-rights component in its human-development initiative aimed at the most vulnerable groups in society, particularly in rural areas. The national action plan for children took a comprehensive approach to creating an environment where children's right to life, development, protection and participation were guaranteed.

10. **Ms. Hastaie** (Islamic Republic of Iran) said that despite progress made in some areas, the goals of the special session on children, which reinforced the Millennium Development Goals, remained to be accomplished. One important issue which thus far had received little attention was the increased demand for the commercial sexual exploitation of children. A holistic approach was needed, as the demand factors went hand in hand with reasons which pushed children into that form of exploitation, varying from poverty to family disintegration to social inequality at the local level and economic disparity at the global level. Another area of concern, the situation of children in armed conflict, needed further attention, in particular the situation of Palestinian children in the occupied Palestinian territories.

11. As a party to the Convention on the Rights of the Child, her country had submitted its reports to the Committee on the Rights of the Child and had followed up on the Committee's concluding observations on its most recent report. It had established a national committee, with broad participation, to strengthen national planning and coordination and integrate children's interests into policies and programmes and to consider establishment of a national focal point for the promotion and protection of the rights of children.

12. Through seeking common ground, the international community should address threats to global society, especially to children, in order to foster policies, programmes and actions for their protection and promotion.

13. **Mr. Al-Hiddi** (Bahrain) said that his Government saw the protection of children as a sacred commitment, which it had honoured in part through the ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. Many countries had made progress in establishing a legislative framework for children's rights, but implementation of such laws still fell short. Bahrain emphasized human-centred development, and its legislation was aimed at strengthening family ties and motherhood. It had established a national committee for children's interests and provided financial assistance to every orphan. Its efforts to improve the well-being of children also recognized the important role of women and youth in development.

14. **Mr. Grey-Johnson** (Gambia) said that his delegation found the launch of the study on violence against children (A/61/299) to be timely in refocusing the world's attention on the issue and in generating momentum for serious policy discussions. Children worldwide had been actively involved at every stage of the preparatory process, and he encouraged Member States and the United Nations system to adopt a similar approach in implementing its recommendations.

15. The Gambia expected to meet the Millennium Development Goals in the areas concerning child welfare. The Government was collaborating with UNICEF and a coalition of civil-society organizations to address violence against children comprehensively. It had also addressed the special situation of the girl child, and had established a scholarship fund for girls and created a girl-friendly school environment. In fact,

the goal of gender parity in basic education had already been achieved.

16. His delegation also welcomed the report of the Special Representative for Children and Armed Conflict (A/61/275), and strongly urged the Special Representative to pay particular attention to the issue of psychosocial care and trauma counselling.

17. In closing, he called for a constructive, collaborative and integrated response to the reports and recommendations. The momentum generated must not be allowed to wane.

18. **Mr. Haji Yusof** (Malaysia) said that, while serious efforts must be taken by all States to ensure that children were protected from abuse and exploitation, many problems, closely related to underdevelopment, poverty and conflicts, could not be solved unless underlying developmental issues were seriously addressed and the countries concerned were provided with the necessary resources and assistance. The obstacles to achieving the goals contained in the outcome documents of the World Summit for Children and the special session included a lack of resources, debt and a decline in international funding.

19. The Government had embarked on various activities to ensure that the rights, welfare and social needs of children were addressed. The current plan of action set out a broad framework of measures to be taken by the Government in addressing the social and developmental needs of children, with a view to achieving the national goal of reaching the status of a developed nation by the year 2020. In line with that goal, the plan focused on areas relating to development, protection and participation of children, including programmes for children with disabilities. Other efforts were being explored in cooperation with the private sector and NGOs, taking into account best practices from around the world, while ensuring the preservation of Malaysia's own values.

20. The study on violence against children had illustrated the urgent need for international partnership to address the root causes of such violence, and for mechanisms to curb it. However, there was one glaring omission: the study failed to address the plight of children in the Middle East, particularly in the occupied Palestinian territories. While he welcomed the report of the Special Representative for Children and Armed Conflict (A/61/275), he noted that it, too, had omitted reference to the plight of children in the region. A meaningful discussion of violence against children must include all children whose rights were denied owing to situations of conflict. Although Malaysia might not fully agree with some of the assessment and recommendations of the study, it was committed to the protection of children from violence, including through national legislation and international cooperation.

21. In order to ensure the protection of children, Malaysia had developed mechanisms for childcare, protection and rehabilitation, and continued to work in partnership with civil society.

22. **Ms. Banzon** (Philippines) said that her Government had recently passed a comprehensive juvenile-justice and welfare act, in response to a concluding observation made by the Committee on the Rights of the Child regarding the need for such legislation. Among other things, the new law raised the age of criminal liability, introduced a programme to deal with youth offence cases outside formal trial procedures and established a juvenile-justice and welfare council to monitor compliance with the law.

23. The Philippines had also initiated consultations and strategies on corporal punishment, HIV/AIDS, efforts to combat child pornography, and the protection of children affected by armed conflict. In addition, the month of October had been designated National Children's Month, highlighting the role of the child within the family setting, through awareness-raising activities and programmes on the various dimensions of children's lives. The Government had also intensified its implementation of the Child 21 Plan, in a comprehensive undertaking that unified the holistic approach taken by national and local government units and NGOs. Effective parenting skills, the prevention of child abuse, health care and early-childhood development were important components of the plan.

24. Expressing appreciation for the Independent Expert's study on violence against children (A/61/299), she acknowledged that there should be a conscious strategy to change mindsets and traditional practices that encouraged or condoned violence against children. The Philippines placed paramount importance on the home and family in the promotion of children's welfare, and believed the family, as the natural environment for growth and well-being of children, must be supported in order to truly nurture children and

protect them from all physical, emotional and psychological harm.

25. **Mr. Israeli** (Israel) said that the dividends from investing in children were not vague expectations, but could be witnessed as they grew and assumed roles of responsibility. In Israel, care of children began with an innovative system of prenatal care, and continued through a comprehensive education system. As to violence against children, he pointed out that children had been protected by law from corporal punishment since 2000.

26. However, child poverty remained a concern, with over one third of children living below the poverty line. A number of initiatives, including a substantial increase in child subsidies, had been established to reduce child poverty to 15 per cent within a decade.

27. Regrettably, Israeli children had grown accustomed to living under the constant threat of terrorism. Children in the southern city of Sderot and other villages in the area were under threat of rocket attacks from Hamas terrorists in the Gaza Strip. It was therefore disheartening to note that the representative of Lebanon, who had spoken the previous week, had blamed Israel for the suffering of Lebanese children. He related the aggressions committed by Hezbullah against Israel, during which one million Israelis, one third of them children, had been forced to flee their homes, and described the devastation and displacement caused to all civilians, including children, caught in the crossfire on both sides.

28. Turning to the issue of HIV/AIDS, he mentioned Israel's work with international partners in co-sponsoring workshops for childcare providers in Malawi and Zimbabwe, in order to equip them with techniques and skills to provide psychological care to young children at risk, and other efforts to improve the quality of life for children living with AIDS.

29. **Mr. Mbou-Mylondo** (Congo) said that, since ratifying the Convention on the Rights of the Child in 1993, the Congo had incorporated the provisions of the Convention into its domestic legislation, in line with the great importance it attached to the promotion and protection of the rights of children, irrespective of gender. The Government had devised a national plan of action to address the objectives and recommendations of the 2005 World Summit, and a national plan for the development of the health-care system. Those action plans were implemented under the auspices of the Ministry of Social Affairs, while an inter-ministerial committee had been set up to promote the Convention, with a planning and monitoring mechanism for data collection and analysis.

30. More recently, the Government had focused on a poverty-reduction strategy; and as a result of the Congo's participation in the heavily indebted poor countries (HIPC) initiative, it had been able to allocate additional resources to development programmes for children.

31. The Government took a cross-sectoral approach to the formulation of programmes to benefit young people, including the encouragement of their role in decision-making, as exemplified in a children's parliament, whose conclusions were taken into consideration in policymaking. International support for the reconstruction of schools and health centres destroyed during the past conflict had led to a marked improvement in access to education and health care. In addition, the current national plan against HIV/AIDS placed special emphasis on the prevention of mother-child transmission and support to children orphaned by the pandemic.

32. The Congo had instituted a number of measures to protect children from abuse and exploitation, including regional initiatives and domestic legislative action, and was in the process of ratifying the Optional Protocol on the sale of children, child prostitution and child pornography.

33. **Ms. Bowen** (Jamaica) said there was no justification for the forced recruitment of children as soldiers. She noted that the report of the Special Representative of the Secretary-General (A/61/275) had given a reminder of the lasting effects on child perpetrators and other groups of children indirectly involved, as well as the complexities of their reintegration into society. Jamaica supported the recommendations in the report, including the need for stronger consensus and action for the enforcement of international standards for protection of affected children.

34. In response to the outcome of the special session of the General Assembly on children, Jamaica had adopted a national plan of action, appointed a child advocate, established a national human rights institution and created a juvenile unit within the police force. Some success had been achieved in the field of health care and education, such as a reduction of infant

and maternal mortality and malnutrition in the under-five population, an expanded immunization programme and increased access to drinking water.

35. **Mr. Garcia** (El Salvador) drew attention to the activities of the Salvadorian Institute for Child and Adolescent Development, which worked in a number of areas to combat child abuse and exploitation and to resolve other problems affecting children. The Institute operated protection centres and provided special care and education for street children, victims of child labour and sexual exploitation, and other children at risk.

36. Although it did not endorse all the recommendations made, El Salvador welcomed the study on violence against children (A/61/299), and hoped that it would provide a more secure basis for the development of children. The Government reaffirmed the general principles governing the protection of children, namely, non-discrimination, participation, survival and development. It agreed that additional resources were crucial to the timely achievement of the internationally agreed goals on development and poverty eradication.

37. **Ms. Wamalwa** (Kenya) said that the reports in documents A/61/41, A/61/275 and A/61/299 correctly identified that children affected by war should be an international priority. She therefore reminded the Committee about the plight of Somali children living in Somalia and in refugee camps in Kenya. Children's lives could be hard even in peaceful countries and were all the more so when the children lived far from their homes in squalid conditions made worse by persistent war. No matter what difficulties it faced, the international community must protect children and give them a semblance of normalcy. Happily, various collaborative efforts among United Nations entities and other stakeholders had had tangible results.

38. Kenya was committed to the Plan of Action entitled "A world fit for children" adopted at the special session on children. It had achieved the first step towards quality education by providing free primary education to all children. Non-formal education centres had been opened for older children; girls who had dropped out owing to pregnancy were being readmitted; more bursaries were being offered; and school feeding programmes had been intensified in arid areas. Some class sizes had doubled as a result. The increased enrolment in primary schools meant, however, that needs outstripped the capacity of the school system despite substantial Government expenditure on education.

39. The Kenyan parliament had recently enacted an important Sexual Offences Act. Mechanisms were now required, however, to ensure that it was implemented. Furthermore, female genital mutilation/cutting was now prohibited under the new Children's Act, which incorporated the provisions of the Convention on the Rights of the Child; legislating against the practice had been a major challenge, as it was deeply rooted in the cultures of many Kenyan communities, but concerted efforts by the Government, NGOs and civil society were bearing fruit.

40. A comprehensive health-policy framework had been put in place that went beyond the primary health care recommended by the World Health Organization (WHO). However, the fight against disease remained a major challenge: child-morbidity patterns had improved only slightly, malaria and acute respiratory infections being the main fatal diseases. On a positive note, the HIV/AIDS prevalence rate had dropped, even among children.

41. The plight of parents also affected their children: improvements in children's lives could be made by reducing external debt and poverty, as well as by ending unfair global trade and protecting human rights. Children grew up thinking the world was unfair. It was time to act on the many promises made to them that their world would be safe and that they would receive an education, accessible health care and a happy life full of opportunities.

42. **Ms. Rasheed** (Observer for Palestine) said that the safety and well-being of children had been gravely endangered during the many years that the Palestinian people had been living under occupation. In the past six years, Israeli forces had killed over 900 Palestinian children. Many others had been injured, detained or orphaned. Palestinian children lived under constant threat, owing to the violence of the occupying Power. Many of the children killed were from Gaza, even after Israel's so-called disengagement.

43. Even more disturbing was that the deaths of Palestinian children at the hands of Israeli occupying forces were usually given only a cursory investigation, if any. Indictments for the killing of civilians were rare, and convictions almost unheard of. That had fostered a culture of impunity among those forces and heightened

their perception that they would not be held accountable. Given that attitude, it was unsurprising that they often shot excessively and indiscriminately.

44. A stark example of the Israeli indifference to the Palestinian child's right to life was the decision in 2005 to clear an Israeli commander of charges after he had shot an already-injured 13-year-old Palestinian schoolgirl. Occupying forces in the watchtower had quickly identified the girl, dressed in a school uniform, as "a girl of about ten". As she was running away, she had been shot and had fallen to the ground. The commander had stood directly over her body and had shot her many times. Yet he had been awarded payment of his legal expenses and had even received a promotion. The girl's family, however, had received only grief and heartache.

45. Such actions were a blatant violation of the right to life, a right which States parties must expressly recognize under the Convention on the Rights of the Child. Israel had violated numerous rights set out in the Convention and other international legal instruments, including the fourth Geneva Convention. Measures had to be taken to bring the perpetrators of such crimes to justice; otherwise the culture of impunity would grow with disastrous consequences. The situation worsened each year, and there was little room for hope. It was impossible for children to focus on their physical, emotional and social development when they faced every day the consequences of foreign occupation and a lack of even the most basic needs. Palestinian children under occupation were far from living in "a world fit for children".

46. **Mr. Rokolaqa** (Fiji) said that the Secretary-General's sobering study on violence against children (A/61/299) confirmed that such violence continued despite collective efforts to implement the Convention on the Rights of the Child and its two Optional Protocols. His delegation supported the recommendation to appoint a special representative on violence against children (ibid., para. 120) in order to develop a systematic framework to respond to the problem. The message was clear: no violence against children was justifiable, whether in the name of tradition, cultural or religious practices or as a form of discipline.

47. After ratifying the Convention in 1993, Fiji had established a coordinating committee on children to implement and review its national strategic plan. It had become a party to related international conventions and had signed the two Optional Protocols to the Convention. Fiji had brought its laws into line with the international conventions, and had recently reviewed laws affecting children in such areas as child protection, offences against children, evidence given by children, divorce, maintenance, custody and affiliation. The laws on sexual offences had been amended. The Fiji Police sexual offences unit provided specialized services to victims of sexual offences and child abuse, while the Director of Public Prosecution had developed an inter-agency guideline for handling victims of neglect and child abuse.

48. Professional training and dissemination of information on the rights of the child were being carried out with the help of international and non-governmental organizations. A programme funded by Australia, working with the Department of Social Welfare, was designed to develop prevention strategies.

49. The courts had ruled that all forms of corporal punishment were unconstitutional. However, attitudes towards corporal punishment remained mixed. Efforts were under way in the community to teach alternative methods of discipline.

50. The Constitution guaranteed children the right to life and an education. Children were required to attend school until the age of 15, and provision was made for a tuition fee for all children in primary and secondary schools.

51. *Mr. Al-Bayati (Iraq), Chairman, took the Chair.*

52. **Mr. Ganemtore** (Burkina Faso) said that the issue under discussion was pivotal to development. Burkina Faso was a party to many international, regional and national legal instruments for the protection of children and adolescents, and was currently implementing programmes and plans of action through technical and financial partnerships. Despite those efforts, a realistic assessment showed that the goals of the World Summit for Children were far from being attained in Burkina Faso.

53. In 2003, five million children had not yet been registered. Infant mortality remained high and severe malnutrition was widespread. Parents and educators were poorly informed about early-childhood development. In addition, there was a severe shortage of services for children of preschool age. The problem of orphans and other vulnerable children was growing,

owing to endemic family poverty, HIV/AIDS, the breakdown of the family, lack of resources for foster families and orphanages, and continuing harmful traditional practices. Adolescents were often the victims of injustice and violence, trafficking and prostitution. In the countryside, school attendance was poor.

54. Burkina Faso, in an effort to devote greater attention to children, was developing a broad strategy for the next 10 years. The strategy was designed to promote preschool education and to address children's needs in many fields. It would also promote good parenting, publicize the rights of the child, the woman and the family, work on changing attitudes to remove discrimination within families, and seek to limit the school-dropout rate. Young people would be encouraged to participate in decision-making through a youth parliament. Programmes to protect vulnerable children would involve information campaigns supported by action on the ground and the punishment of offenders. With stronger community and family structures, communities could play a larger role in caring for those children. Thus, in keeping with the Secretary-General's recommendations, Burkina Faso was doing its part to make the world a better place for children.

55. **Mr. Abdul Azeez** (Sri Lanka) said that the 2005 World Summit had focused attention on the use of children in armed conflict and on violence against children, and had called for more effective efforts to prevent those abuses. The study of the Independent Expert on violence against children (A/61/299) — which represented a milestone — highlighted the many factors that engendered violence in the home, school, workplace and community and pointed out the factors that impeded a child's potential development. In paragraph 93 of the study, the Expert had outlined the principles underlying his conclusions and recommendations. The strength of the study was its positive, non-intrusive, content-based approach to the issues. His delegation attached great importance to those principles and supported the Expert's recommendations.

56. The question of children and armed conflict was of critical concern to Sri Lanka, given that it had been afflicted by violence and terrorism by the Liberation Tigers of Tamil Eelam (LTTE) for almost two decades. The report on children and armed conflict (A/61/275) provided a poignant narrative of the impact of armed conflict on children. It was indeed time to live up to the promises the world community had made to children. Sri Lanka reaffirmed its commitment to do so despite the many constraints placed on the Government by the LTTE.

57. Sri Lanka urged the LTTE to take verifiable, concrete measures to cease the recruitment and use of children in armed conflict and to help create an atmosphere free of violence against children. The LTTE had promised to do so in 1996 and in 2003 had again made a binding commitment by signing a plan of action. Those assurances remained unfulfilled. The LTTE had intensified its recruitment drive in flagrant violation of the plan of action and international law. If the LTTE failed to release all children in its control, it was time to consider punitive action.

58. Sri Lanka had established a monitoring and reporting task force in response to Security Council resolution 1612 (2005), on the use of child soldiers, and welcomed the visit of the special adviser of the Special Representative for Children and Armed Conflict, to take place in November 2006. The Government would give him full cooperation, including access to all areas of the country, and trusted that he would take the opportunity to make the LTTE fulfil its commitment to end the use of children in armed conflict and agree to a human rights framework that respected the rights of children and other democratic freedoms.

59. **Ms. G/Mariam** (Ethiopia) said that the Secretary-General's report on follow-up to the special session (A/61/270) had highlighted the progress made in health, education, and protection for children as well as the challenges to promoting the welfare of children posed by such problems as weak links between plans and budgets, lack of capacity, natural disasters and the HIV/AIDS pandemic. Ethiopia believed that a stronger poverty-reduction programme could go far in improving the situation of children, who largely bore the brunt of poverty. In turn, a child who was nurtured, loved and educated would become a responsible citizen.

60. Ethiopia had begun taking concrete measures, including the implementation of a national plan of action that included children as stakeholders. It had strengthened regional and national child-rights committees, and had instituted programmes to address orphans and vulnerable children and prevent the

commercial exploitation of children. A plan for civil registration and a vital-statistics system was awaiting parliamentary approval. Childhood-poverty reduction had been incorporated into national poverty-reduction strategies. The Government's new five-year plan would focus on education and health. The Government would cover 60 per cent of the budget required to implement the plan, and a new Ministry of Women's Affairs would take over responsibility for coordinating children's issues.

61. The Government's efforts to attain the Millennium Development Goals had led to increased primary-school enrolment, and special programmes had been set up to reach children in rural areas. Health-care services had increased and the immunization rate now exceeded 40 per cent.

62. The Constitution guaranteed the protection of children against exploitation and abuse, the right to care from parents and guardians, and protection from corporal punishment in schools and childcare facilities. The Penal Code had been amended to make abduction, trafficking, exploitation, abuse and female circumcision criminal acts. Amendments to the Family Code set the minimum age for marriage and regulated such matters as custody and inheritance.

63. Yet much remained to be done to protect children's rights in Ethiopia. Poverty, lack of resources and natural disasters continued to pose serious challenges. With support from the international community, however, Ethiopia believed it would be able to register further achievements in the future.

64. **Mr. Desta** (Eritrea) said that his country had a long-standing commitment to improving the welfare of children. It was a party to the Convention on the Rights of the Child and had adopted measures to give effect to children's rights. The Government had made considerable efforts to meet the basic needs of children through initiatives such as the integrated early-childhood development programme. It had improved access to health services, with wide coverage of immunization and control of malaria and other diseases, thereby reducing infant and under-five mortality; and had greatly increased the school population. The Government had also made food security a top priority to combat poverty and malnutrition.

65. Through the Government's policy of rehabilitation, empowerment was provided to all vulnerable groups to enable them to become productive members of society. While the condition of children in situations of armed conflict was improving considerably, their protection, rehabilitation and development in conflict and post-conflict situations still needed to be highlighted in policies and programmes of Governments and the international system.

66. **Ms. Diallo** (Mali) said that her country had fulfilled part of its commitment to safeguard the rights of the child through a series of national, regional and international measures. Nationally, the measures included promotion of quality education, with a big increase in the education budget; a national solidarity fund to sponsor children from poor communities; a hygiene and sanitation policy aimed at reducing the risk factors for children's health; protection of children against abuse, exploitation and violence; a children's parliament; and an inter-ministerial committee for the implementation of the national action plan.

67. At the regional level, Mali was party to the African Charter on the Rights and Welfare of the Child, while on the international scene, it had ratified the Convention on the Rights of the Child and its Optional Protocols and other United Nations instruments related to the rights of the child. Mali had also fulfilled its commitments through other measures, including combating child labour; setting up an appropriate setting for meeting with children; establishing an official travel document for children; calling for an end to the practice of genital mutilation; raising public awareness of children's issues; combating begging and fighting cross-border trafficking in children through bilateral and multilateral agreements.

68. **Mr. Belinga Eboutou** (Cameroon) said that the lives of children in many parts of the world, especially in Africa, were filled with suffering, hopelessness and insurmountable obstacles. However, there was renewed hope with the 1990 World Summit for Children and the decision of Heads of State at the special session to build "a world fit for children". The Plan of Action adopted by the Heads of State had four key objectives: promoting healthy lives; providing quality education; protecting against abuse, exploitation and violence; and combating HIV/AIDS.

69. The international community had a moral duty to honour its commitments, while individual States had to do their part by developing appropriate child policies.

In that regard, Cameroon had ratified almost all international instruments relating to the rights of the child, passed laws with specific provisions on children with disabilities and instituted the principle of free primary education. It had also launched an action programme based on the recommendations of the World Summit for Children, which included the following priorities: protecting children's rights in early childhood; developing basic education for all children; providing access to drinking water; reforming the health system; combating HIV/AIDS among mothers and children; protecting children in difficult circumstances and promoting social education.

70. **Ms. Reiner Barnes** (Observer for the Sovereign Military Order of Malta) said that the Order of Malta would continue to improve and expand its programmes to children in Palestine, Afghanistan and elsewhere. It also made it a priority to increase awareness of the rights of children and to see that those rights were respected and implemented. In the north of Gujarat, India, for example, the Order provided preschool education and a daily meal to children from the so-called untouchable castes that were traditionally discriminated against. In Thailand, where unaccompanied and separated children, including those orphaned by AIDS, were too often exposed to poverty and hardship, the Order had been operating a large-scale basic health-care project in remote mountain villages to address the growing HIV/AIDS pandemic and provide health-care services. The Order also provided them with an allowance for milk, food, school uniforms and books.

71. In the case of children affected by armed conflict, the signing of the Optional Protocol on the Involvement of Children in Armed Conflict was encouraging, but not enough to address the problem. On the other hand, the Order was encouraged to see that the vast majority of nations had committed themselves to the goals laid out in the final document of the special session, entitled "A world fit for children".

72. **Mr. Buff** (Observer for the International Committee of the Red Cross (ICRC)) noted that there was currently a significant drive to turn international child-protection standards into reality on the ground. He said that the fate of children affected by war, especially children associated with armed forces, was of particular concern to ICRC. He welcomed the specific focus placed by the United Nations on the issue of recruitment of children into armed forces and armed groups, but stressed that working for the rehabilitation and reintegration of those children required commitment over time. It also required close collaboration with local communities and long-term vision, planning, commitment and funding. With regard to children separated from their parents as a result of armed conflict, ICRC worked with them from the very outset of the conflict. In that work, it collaborated closely with other child-protection agencies and national authorities. He emphasized, however, that working with such children also required a long-term commitment and long-term funding.

73. **Mr. Nawfal** (Lebanon), speaking in exercise of the right of reply, said that Lebanon condemned all forms of terrorism and killing of civilians, especially children, regardless of denomination, race, or nationality. His country had become the victim of the ultimate form of terrorism, namely State terrorism, which Israel had long exercised by its continued occupation of Lebanese lands for more than 28 years. Hezbullah was only a reaction against oppression: it was a popular resistance movement in response to Israeli oppression and occupation of Lebanese lands.

74. Even though Lebanon deplored the loss of any single civilian life, any single child from any and all sides, it was striking to note that Israel had killed approximately 1,200 Lebanese citizens, 1,150 of whom were civilians, and one third were children. Lebanese children were still being killed and maimed by the one million bomblets — designed to look like toys or candy — that Israel had systematically and criminally targeted on the homes, farms and schools. Most had been launched during the last days of hostilities.

*The meeting rose at 12.55 p.m.*

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## Third Committee

**Summary record of the 18th meeting**
Held at Headquarters, New York, on Monday, 16 October 2006, at 3 p.m.

*Chairman*: Mr. al Bayati ..... (Iraq)

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06-57311 (E)

*The meeting was called to order at 3.10 p.m.*

**Agenda item 64: Indigenous issues** (A/61/490)

**(a) Indigenous issues** (A/61/376)

**(b) Second International Decade of the World's Indigenous People**

1. **Mr. Ocampo** (Under-Secretary-General for Economic and Social Affairs) said that the United Nations agenda on indigenous issues had been revitalized by recent developments, including the 2005 World Summit. In working towards the Millennium Development Goals and the broader United Nations development agenda, the international community should cooperate and build partnerships with indigenous peoples and pay attention to their vision, which integrated economic, social, environmental and human rights aspects as they sought to be full participants in debates affecting their lives.

2. The Coordinator of the First International Decade of the World's Indigenous People, the High Commissioner for Human Rights, had concluded that indigenous people remained among the poorest and most marginalized in many countries. Their exclusion from national development processes obliged the United Nations to continue to promote respect for their human rights and advocate their full and effective participation in development processes at all levels. There had some been positive developments in that regard. Democratic participation of indigenous people had resulted in indigenous leaders occupying important government positions in some countries. Elsewhere, reconciliation and support for indigenous people were emerging after long armed conflicts.

3. As Coordinator of the Second Decade, launched on 1 January 2005, he welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples at the first-ever session of the Human Rights Council in June 2006, especially since, to the disappointment of indigenous people everywhere, the United Nations had been unable to adopt it during the First Decade. The Declaration provided the international community with a comprehensive international standard to which everyone should aspire and he looked forward to its endorsement by the General Assembly at the current session.

4. Noting recent developments in United Nations work on indigenous issues, he highlighted the activities of the Permanent Forum on Indigenous Issues, which had hosted the launch of the Programme of Action for the Second Decade at its fifth session, held in May 2006. The session had been attended by representatives of indigenous organizations, non-governmental organizations, United Nations agencies, intergovernmental organizations, Member States and academia. The African Union, the Asian Development Bank and the Organization of American States (OAS) had also been represented for the first time. The session had focused on the theme of the Millennium Development Goals and indigenous peoples, making valuable recommendations on how to interpret and apply the Goals so that indigenous peoples in all countries were included in and benefited from the implementation process. The Forum had thus been providing fertile ground for the growth of a tripartite partnership among indigenous peoples, States and United Nations and other intergovernmental organizations.

5. The Trust Fund on Indigenous Issues had received over 200 proposals for Decade-related projects worldwide and, in 2006, would be able to support 23 projects at a cost of some US$ 400,000. He appealed to Member States, United Nations agencies and intergovernmental and non-governmental organizations to join the Governments of Algeria, Chile, Cyprus, Denmark, Estonia and Germany and Mexico's National Commission for the Development of Indigenous Peoples in making generous contributions to the Fund.

6. He thanked Member States and intergovernmental organizations that had responded to his request for suggestions for pursuing the objectives of the Programme of Action for the Second Decade. The Department of Economic and Social Affairs had drawn up its own Plan of Action for the Second Decade, which sought to mainstream the Decade's objectives across its various areas of work. The Second Decade had also been a catalyst for collective action through the United Nations Development Group (UNDG), which was working hard to ensure the systematic integration of indigenous issues into United Nations operational activities for development. The Inter-Agency Support Group on Indigenous Issues was also exploring how to enhance country teams' understanding of indigenous issues and how to empower indigenous people to participate fully and

effectively in country-level development monitoring processes.

7. One major challenge for the implementation of the Programme of Action for the Second Decade was a lack of human and financial resources, which were just as crucial as political commitment. Clearly, more Member States and international organizations and more indigenous organizations and civil society actors should be engaged in pursuing the objectives of the Second Decade. Immediate action was needed to include indigenous issues among policy and budgetary priorities at the national and international levels. He would keep the Committee informed of developments in that area and would also submit a written report to the Permanent Forum.

8. **Mr. Cumberbatch** (Cuba) thanked the Under-Secretary-General for Economic and Social Affairs for his sterling work as Coordinator of the Second Decade and asked how activities to promote the Declaration would be designed and how cooperation might be strengthened to ensure that the promotion of the rights of indigenous people was conducted in harmony with other development activities.

9. **Mr. Ocampo** (Under-Secretary-General for Economic and Social Affairs) said that it was hoped that the Declaration would be adopted by all Member States as a fundamental framework for guiding national policies on indigenous peoples, in active participation with them. Within UNDG, it was felt that the Declaration should be disseminated throughout the United Nations system so that it could be promoted effectively. Work was also under way on mainstreaming the Declaration's provisions into the activities of United Nations country teams. Since funds were limited, however, it was hoped that Member States would generously replenish funding facilities and that increased activity by country teams would make resources available for national programmes benefiting indigenous people.

10. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), introducing his report (A/61/490), said that during the past year he had continued to focus on three areas of action: thematic investigation and development of issues that had an impact on the situation of human rights and fundamental freedoms of indigenous people; country visits; and urgent appeals and alleged violations concerning indigenous people's human rights and fundamental freedoms. In recent years, definite progress had been made with regard to the legal situation of indigenous people in various countries. However, the "implementation gap" between standards relating to indigenous rights and the effective enjoyment of those rights posed a serious problem that merited the close attention of the Human Rights Council and the General Assembly. In many countries, international standards did not always become part of domestic law. Another problem was lack of consistency between indigenous or human rights legislation and sectoral laws such as those relating to natural resources management.

11. In general, there was a lack of appropriate mechanisms for monitoring the effectiveness of indigenous legislation and evaluating its practical application. The bodies responsible for protecting indigenous human rights were weak and vulnerable and did not have the necessary political or financial support. Advocacy organizations were often pressured and even threatened and harassed. One of the clearest manifestations of the implementation gap was to be found in government administrative structures, in which bureaucratic inertia and inflexibility prevailed. It was also difficult to establish efficient accountability and evaluation mechanisms and there was even evidence of corruption. Civil service culture was resistant to multiculturalism and diversity and was often discriminatory, if not openly racist, towards indigenous people and culture. Consultation and participation mechanisms for indigenous peoples needed to be established.

12. The role of the courts in interpreting and applying domestic legislation and international standards on issues relating to indigenous people required sustained attention. The judicial sector had become increasingly involved in those issues, sometimes with positive results. However, there was a need for greater training of judges and other justice officials in that area. Mechanisms should be developed to ensure that positive law could coexist with indigenous law.

13. Indigenous people were increasingly availing themselves of international mechanisms for the defence of their human rights. The inter-American and, more recently, the African regional human rights systems were playing an increasingly important role, as were the United Nations treaty bodies. A new circle of good practices had thereby been established, bringing

together indigenous peoples, States and international mechanisms.

14. During the period covered by the report, he had made an official visit to New Zealand, where the legal basis for relations between Maori and the State was the 1840 Treaty of Waitangi. Many Maori were concerned about new legislation governing coastal areas which, in their view, extinguished their customary rights. His report made several recommendations to the Government of New Zealand proposing measures aimed at strengthening Maori human rights.

15. In April 2006, he had undertaken an official visit to Ecuador. He had detected a vast juridical vacuum in the protection of indigenous rights in that country, as the constitutional rights of indigenous people had not yet been incorporated into the corresponding secondary legislation. Much concern had been raised by the gradual destruction of the indigenous habitat and the impact of extractive activities. In particular, oil exploration activities on indigenous lands had triggered resistance in some communities.

16. In May 2006, he had paid a follow-up visit to Guatemala. The State authorities' increasing awareness of the need to prioritize human rights issues had led to the creation of various forums for dialogue between the indigenous peoples and the Government. Discrimination against indigenous peoples continued, however.

17. He had continued to receive a growing number of communications from indigenous and civil society organizations containing complaints of violations of indigenous peoples' rights. Only a few of the States involved had followed up the letters of allegation and urgent appeals addressed to them. He had recommended to the Human Rights Council that special attention should be given to that serious constraint on the building of an effective system for protecting indigenous peoples' rights.

18. He wished to stress the importance of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council at its first session. He urged Member States to adopt the Declaration as transmitted by the Council, which was already a useful mechanism for the promotion and protection of indigenous rights and could also serve as a guide for international promotion and cooperation activities being carried out by United Nations bodies, especially in the framework of the Millennium Development Goals.

19. **Ms. Moreira** (Ecuador), thanking the Special Rapporteur for his visit to Ecuador and the initial impressions conveyed in his report (A/61/490), said that the active participation of civil society and indigenous people in the planning of the visit had been a direct result of the authorities' efforts to involve them. Referring to the statement in paragraph 21 of the report that the State institutions set up by the Government to address the situation of indigenous peoples were not based on specific laws, she said that specific laws did in fact exist and that they supported the institutions' work. One such law was the Executive Decree establishing the National Council for Indigenous Peoples and she would like that fact to be reflected in the report. She did, however, acknowledge the difficulty posed by the lack of a specific law enforcing all the pertinent provisions adopted by her Government.

20. Two bills were currently before the Congress. The first would implement the 1998 constitutional act embodying all collective rights in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention (No. 169) and the second would make indigenous justice compatible with ordinary justice. She requested the Special Rapporteur to include that information in his forthcoming expanded report to the Human Rights Council. In conclusion, she would like him to suggest how Latin American countries that had already recognized indigenous justice could address the lack of consistency between indigenous and ordinary justice, pending codification of the relevant laws.

21. **Ms. Leikas** (Finland), speaking on behalf of the European Union, said that the adoption of the Declaration on the Rights of Indigenous Peoples had been a milestone in efforts to improve the protection of indigenous people's rights. What was now crucial was its implementation. She wished to know how the Special Rapporteur intended to use the Declaration in his work of promoting the rights and aspirations of indigenous people.

22. With regard to the idea of drawing up an international code of conduct for transnational corporations operating in indigenous regions, she asked whether the Special Rapporteur envisaged considering it jointly with the Secretary-General's Special

Representative on human rights and transnational corporations and other business enterprises with a view to making special proposals in that regard.

23. Since indigenous people needed to have access not only to the human rights treaty bodies and United Nations agencies involved with indigenous issues, but also to the Human Rights Council and the Special Rapporteur, she asked how their participation in those bodies and mechanisms could be further enhanced.

24. **Mr. Heines** (Norway) said that he was grateful for the Special Rapporteur's efforts to highlight the gap between legislation on indigenous rights and the effective enjoyment of those rights. Since the report focused primarily on the situation of indigenous peoples in Latin America, he hoped that future reports would deal with the rights of indigenous peoples in other regions as well, including Europe. He reiterated his Government's invitation to the Special Rapporteur to visit Norway.

25. The Declaration on the Rights of Indigenous Peoples provided a framework for greater partnership between governments and indigenous peoples. He would like to hear the Special Rapporteur's views on how the Declaration could contribute to bridging the "implementation gap" and, in particular, how the United Nations could assist in ensuring that the Declaration made a difference on the ground.

26. **Ms. Banks** (New Zealand) said that New Zealanders felt privileged to belong to a multi-ethnic society and that discrimination was anathema to them. The arrangements put in place for Maori by her Government took into account historical inequalities and encouraged self-management. A delicate balance must be struck between specific measures for indigenous peoples and the imperative to avoid creating different classes of citizenship.

27. The sophisticated, legally mandated mechanisms for addressing historical and contemporary grievances were of great importance to Maori and to non-Maori New Zealanders alike and had been identified by United Nations human rights treaty bodies as being exemplary. Many of the issues raised in the Special Rapporteur's report were central and enduring features of an important ongoing political debate among New Zealanders that was premised on a fundamental belief in equal treatment under the law for all citizens, although views might differ as to how that was best achieved. To take one example, the Special Rapporteur had raised questions concerning possible constitutional change in New Zealand. Although there was no consensus for constitutional change, any agreed change would be brought about through the free and full exercise of democratic prerogatives by Maori and non-Maori alike.

28. She was circulating a background brief prepared for the Special Rapporteur's visit, which provided a fuller context for the current situation in New Zealand and gave factual information on many of the issues discussed in his report. The brief was also available on her Government's website.

29. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) welcomed the legislative provisions mentioned by the representative of Ecuador which gave support to institutions dealing with indigenous peoples. One of the concerns raised in his report was that the executive or ministerial decrees establishing some of those institutions were not backed up by parliamentary legislation, leading to weaknesses that might result in insufficient resources being allocated to those institutions. Many countries faced the problem of making ordinary law and indigenous law compatible. Although so far no satisfactory solution had been found, the problem must be addressed in order to prevent continuing violations of indigenous rights. Governments could cooperate with international and regional organizations and human rights mechanisms, as well as indigenous organizations, in that regard.

30. He also welcomed the comments made by the representative of New Zealand, which contributed to the ongoing democratic debate in New Zealand reflected in the report. It was important to take into account the continuing disparities between Maori and non-Maori in such areas as health, education, housing and social services. Many of the poorest people in New Zealand were Maori.

31. Concerning the constitutional issues raised in his report to the Human Rights Council (E/CN.4/2006/78/Add.3), he recognized that there was a range of views on the need for constitutional change. Some existing laws protected the rights of all citizens of New Zealand, but he had made a number of recommendations designed to contribute to the open democratic debate taking place in New Zealand on the issue.

32. He noted with satisfaction the widespread support expressed for the Declaration on the Rights of Indigenous Peoples. The Office of the United Nations High Commissioner for Human Rights (UNHCHR) and the Permanent Forum on Indigenous Issues, as well as the Working Group on Indigenous Populations, had an important role to play in that area. UNHCHR also had a responsibility to work closely with those bodies and with other special rapporteurs on such issues affecting indigenous peoples as transnational corporations.

33. **Ms. Gálvez Ruiz** (Mexico) said that her Government was committed to fulfilling the objectives of the Programme of Action for the Second International Decade of the World's Indigenous People. Her delegation welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council. Unless discriminatory practices towards indigenous peoples were eliminated in all spheres, it would not be possible to build equal and just societies. The text of the Declaration preserved the integrity of States and protected the human rights of all individuals and her delegation urged all Member States to make their commitment to indigenous peoples a reality by adopting the Declaration by consensus.

34. **Mr. Heines** (Norway), speaking on behalf of the Nordic countries, said that the Permanent Forum on Indigenous Issues had underscored the importance of the Declaration on the Rights of Indigenous Peoples for advancing the rights and aspirations of the world's indigenous peoples and had recommended its adoption without amendments. The Declaration was the result of more than 10 years of hard work, long negotiations and many compromises among Member States and representatives of indigenous peoples and groups and was the best compromise that could realistically be reached. Many problems had been solved and considerable awareness raised by the drafting process and the Declaration's adoption by the General Assembly would strengthen the promotion and protection of the rights of indigenous peoples worldwide. The Declaration would serve as a comprehensive framework for partnership between States and indigenous peoples and he therefore urged Member States to adopt it.

35. The Permanent Forum on Indigenous Issues had proved its value as the focal point for indigenous issues within the United Nations system and as a meeting point between governments and indigenous people's representatives. Regrettably, however, indigenous peoples around the world remained among the most marginalized groups in their countries. Dispossession of their lands and resources remained a major source of impoverishment. In keeping with the Millennium Development Goal of eradicating poverty, indigenous peoples must have a real say in the way their traditional lands were administered.

36. The Nordic countries fully supported the Programme of Action for the Second International Decade of the World's Indigenous People. They encouraged the Special Rapporteur to continue to conduct an active dialogue with Member States and the Human Rights Council in a manner that allowed for substantive participation by indigenous peoples. Lastly, they reiterated the invitation to the Special Rapporteur to visit the Nordic countries to examine the situation of indigenous peoples in those countries.

37. **Ms. Blum** (Colombia) said that the Colombian Constitution recognized Colombia as a multi-ethnic and multilingual nation whose ethnic and cultural diversity was protected by the State. Her Government had ratified the ILO Indigenous and Tribal Peoples Convention (No. 169), one of the most important frameworks for legal and jurisprudential progress on that matter.

38. According to the 2005 population census, 3.4 per cent of Colombia's population, or 1.38 million people, identified themselves as members of indigenous communities. A large majority of them lived in legally protected traditional territories known as *resguardos*, where they had collective property titles that were non-transferable and were not subject to seizure. The Constitution recognized the power of indigenous peoples to administer justice and settle disputes in conjunction with the ordinary justice system in a balanced, constructive and coordinated manner.

39. Indigenous languages were also the official languages in Colombia's indigenous territories. The various indigenous communities spoke 64 Amerindian languages and a range of dialects grouped into 13 linguistic families. Education in communities with their own linguistic traditions had to be bilingual and, in the political arena, there were quotas for indigenous representation in both chambers of Congress. Several indigenous senators and representatives, as well as council members and departmental deputies, had also been elected from the lists of traditional parties.

40. Since nearly 90 per cent of indigenous communities lived in the countryside, they experienced problems similar to those of the rural population in general. They had been adversely affected by violence from terrorist groups financed by drug trafficking, lack of credit and, in some areas, difficult road conditions and lack of access to communication and other services. The Government had taken a number of steps to address their problems, including giving them universal access to State-subsidized health care and investing in infrastructure programmes in indigenous territories. There were also State bodies which worked closely with national indigenous organizations to protect and support vulnerable indigenous populations.

41. Her delegation regretted that it had not been possible to reach a consensus on the Declaration on the Rights of Indigenous Peoples adopted by the Human Rights Council. Further work was needed to arrive at appropriate language that would enable it to be adopted without reservations by the General Assembly. Many concepts and definitions also required broader analysis to facilitate a consensus. Her Government would continue its efforts to protect indigenous rights and promote democracy and equity among its indigenous populations.

42. **Ms. Banks** (New Zealand), speaking also on behalf of Australia and the United States of America, noted with concern that there had been no opportunity for States to discuss the latest text of the United Nations Declaration on the Rights of Indigenous Peoples collectively and that the Human Rights Council and its President had rejected calls by her delegation and others, such as Canada, for more time to improve the text so that it could enjoy universal support. Such a decision had set a poor precedent with respect to the work and role of the Human Rights Council.

43. Unfortunately, the text, if adopted, would risk endless and conflicting interpretations and debate in its application. A Declaration was needed that was clear, transparent and capable of implementation and that could make a practical and positive difference in the lives of indigenous peoples in every region. Instead, the text under consideration was confusing, unworkable, contradictory and deeply flawed and the delegations she represented could not support its adoption.

44. The provisions in the text articulating the right of self-determination for indigenous peoples inappropriately reproduced common article 1 of the International Covenants on Human Rights. The Declaration could therefore be misrepresented as conferring a unilateral right of self-determination and possible secession upon a specific subset of the national population, thereby threatening the political unity, territorial integrity and stability of existing Member States. The provision regarding territorial integrity and political unity had also been inappropriately removed from the text.

45. The text also appeared to confer upon a sub-national group a power of veto over the laws of a democratic legislature. The Governments of New Zealand, Australia and the United States could not accept the notion of creating different classes of citizenship. To give one group in society rights that took precedence over those of others could be discriminatory under the International Convention on the Elimination of All Forms of Racial Discrimination.

46. The provisions on lands and resources in the text were equally unworkable and unacceptable, as they appeared to require the recognition of pre-existing indigenous rights to lands currently lawfully owned by other citizens, both indigenous and non-indigenous. Such provisions would be both arbitrary and impossible to implement. The provisions on redress were unworkable and contradictory, even for those few countries that were addressing that imperative. There was no definition of "indigenous peoples" in the text and the failure to define the scope of the Declaration meant that separatist or minority groups with traditional connections to the territory where they lived could seek to exploit the Declaration to claim the right of self-determination, including the right to exclusive control of their territorial resources. There were calls for State funding that were inconsistent with the power of elected governments to determine resources on the basis of need and not just ethnicity. Lastly, the provisions relating to the repatriation of human remains had been unacceptably contrived by some States to allow them to maintain their holdings of indigenous remains and artefacts.

47. She took issue with the claims that the text of the Declaration was the best that could possibly be achieved. In fact, it would not encourage constructive relationships and might instead lead to disputes, bitterness and unfulfilled expectations on all sides. In

conclusion, the position of New Zealand, Australia and the United States on the Declaration did not mean that they would in any way abandon the ongoing pursuit of the rights of indigenous peoples both internationally and domestically.

48. **Ms. Intelmann** (Estonia) said that indigenous peoples continued to be victims of human rights violations and to be among the poorest and most marginalized groups in many countries. It was therefore of the utmost importance to make optimum use of the Programme of Action for the Second International Decade of the World's Indigenous People. To address the serious violations of the rights of indigenous women, and indigenous girls in particular, national development strategies for achieving internationally agreed development goals, including the Millennium Development Goals, should integrate the perspectives, knowledge and contributions of indigenous women through their full and effective participation in the policy-making process.

49. It was crucial that the Declaration on the Rights of Indigenous Peoples be adopted at the current session of the General Assembly in order to ensure that indigenous peoples' voice was heard and that they could participate internationally. Her delegation also wished to encourage the development of a strong and mutually beneficial relationship between indigenous peoples and the Human Rights Council. Indigenous issues were among her country's priorities and it had a long history of supporting the languages and cultures of the Finno-Ugric peoples through cooperation in the fields of education, science and culture. The European Union membership of the three Finno-Ugric countries Finland, Hungary and Estonia opened up a new dimension for aid schemes directed primarily at the Finno-Ugric peoples living in the Russian Federation.

50. Her Government would continue to provide financial support to the United Nations Voluntary Fund for Indigenous Populations, the Voluntary Fund for the International Decade of the World's Indigenous People and the Permanent Forum on Indigenous Issues.

51. **Ms. Moreira** (Ecuador) said that as a country recognized for its cultural and multi-ethnic diversity, Ecuador was strongly committed to complying with international human rights instruments, especially those related to indigenous issues. She reiterated her Government's support for the Permanent Forum on Indigenous Issues, which had promoted awareness of indigenous issues and the coordination of all United Nations activities to address them.

52. Indigenous peoples continued to face inequality and economic and social exclusion and to be among those most affected by hunger, malnutrition, unemployment and lack of access to health services, education and housing. They were also one of the communities most vulnerable to labour exploitation, migrant trafficking and trafficking of women and children. All those problems could be solved if governments showed genuine political will and became more active in implementing the Programme of Action for the Second International Decade.

53. Her Government had undertaken specific activities to implement the Programme of Action, through national mechanisms such as the Development Council of the Nationalities and Peoples of Ecuador (CODENPE) and with the support of indigenous organizations and civil society. Ecuador's Constitution comprehensively recognized the collective rights of indigenous people, in keeping with ILO Convention No. 169, and incorporated the provisions of the Vienna Programme of Action and the Durban Plan of Action.

54. She welcomed the Special Rapporteur's report on his visit to Ecuador and looked forward to the findings and recommendations to be included in his expanded report to the Human Rights Council. As a member of the Council, her Government had strongly supported its adoption of the Declaration on the Rights of Indigenous Peoples. It was regrettable that there were still reservations to the text after years of negotiation and she called upon Member States to ensure the Declaration's early adoption by the General Assembly.

55. **Mr. Navoti** (Fiji) agreed with the Special Rapporteur's assessment that land rights played a crucial role in the search for justice by indigenous peoples. In that regard, his Government had submitted a bill to Parliament setting up a tribunal to investigate historical indigenous land claims and make recommendations for remedial action, including compensation for loss of rights to ancestral lands or reversion of State-controlled land to indigenous owners.

56. His delegation was disquieted by the Special Rapporteur's references to legislative developments that could have the effect of extinguishing collective and customary rights of indigenous peoples. His Government was currently consulting with Fijians on a

bill that would transfer from the State to indigenous owners proprietary ownership of any area of seabed or underwater soil, sand, reefs, mangrove swamps, rivers, streams or wetland or any other area recognized and determined to be within customary fishing grounds. Passage of that bill would help narrow the gap between legislation and administrative, legal and political practice with regard to the human rights of indigenous peoples. In conclusion, his delegation supported the adoption of the Declaration on the Rights of Indigenous Peoples.

57. **Mr. Chávez** (Peru) said that his Government had made decisive progress in the protection and promotion of the rights and fundamental freedoms of indigenous peoples. It was committed to developing strategies and policies aimed at reasserting the value of the country's multi-ethnic, multicultural nature and promoting the development and full participation of indigenous peoples and ethnic minorities. Much remained to be done, however. For 11 years, his delegation had chaired the negotiations that had culminated in the adoption by the Human Rights Council of the Declaration on the Rights of Indigenous Peoples. The text of the Declaration was the best that could be achieved without prolonging negotiations in an attempt to achieve an unlikely consensus. It sought to establish a new kind of relationship between States and indigenous peoples that would permit the latter's development while recognizing their specific rights. His Government and others would continue to work for the Declaration's adoption by the General Assembly and urged all delegations to join in that initiative on behalf of a particularly vulnerable population group.

58. It was clear from the Special Rapporteur's report that governments and the international community must act decisively to find specific solutions for addressing the needs of indigenous peoples in various parts of the world. His delegation supported the Special Rapporteur's work and welcomed his thematic report on the implementation of standards and jurisprudence relating to the rights of indigenous peoples.

59. **Ms. Morgan-Moss** (Panama) said that the Permanent Forum on Indigenous Issues had held a Workshop on Indigenous Traditional Knowledge in Panama in September 2005. It was not surprising that Panama had been chosen to host the workshop, given that over 50 years previously, the Government had begun the process of legalizing indigenous territories, demarcating *comarcas* in which indigenous forms of organization, institutions and culture were recognized. There were currently five such *comarcas*, inhabited by seven indigenous peoples and covering 22 per cent of the national territory. The situation of Panama's indigenous peoples was still alarming, however, with 98.5 per cent of them living in poverty and 70 per cent in extreme poverty.

60. Her Government was working to reduce poverty and improve income distribution, promote economic growth through job creation, restructure public finances and develop human capital. Social spending on indigenous peoples addressed poverty directly by providing support to poor families and assisting communities and institutions to provide food, health and education to the entire population. In addition, it promoted development with identity through the design of public policies for indigenous peoples and the implementation of a national indigenous development plan. The Ministry of Social Development was responsible for planning, promoting, monitoring and evaluating those policies and had set up a National Office for Indigenous Peoples to design a development model with a cultural approach that would ensure indigenous participation in policymaking. The Office would coordinate the work of the National Council for Indigenous Development, a consultative and deliberative body made up of government institutions, indigenous governments and civil society organizations that was designed to improve communication between the Government and indigenous peoples and promote public awareness and acceptance of multiculturalism.

61. Individual States could not solve indigenous issues on their own. Joint action by all stakeholders was needed, meaning that indigenous representatives and organizations must be equipped to work with governments, non-governmental organizations and the United Nations system to achieve the goals of the Declaration on the Rights of Indigenous Peoples.

62. **Mr. Nikiforov** (Russian Federation) said that his Government's commitment to resolving the issues facing indigenous peoples was reflected not only in the fact that it cooperated with all United Nations mechanisms and structures for the protection of the rights of indigenous peoples but also in the presence of two of its representatives among the 16 experts on the Permanent Forum on Indigenous Issues.

63. It was unfortunate that the Declaration on the Rights of Indigenous Peoples fell somewhat short in its

current form, that the countries with the largest indigenous populations disagreed with some of its provisions and that many countries did not agree with its definition of the rights of indigenous peoples to self-determination, land and natural resources, with the result that it had not been adopted by consensus. His Government nevertheless supported many of its provisions.

64. States themselves were primarily responsible for solving the problems of their indigenous peoples, however, and must take appropriate, effective action to that end. In recent years, the Russian authorities had paid particular attention to strengthening legislation on the protection of the rights of the country's indigenous peoples, including the right to their own socio-economic and cultural development and the right to protection of their historical homelands, traditional way of life and traditional use of natural resources. Plans were under way to create traditional natural resource use territories in the country's north. Another priority of economic policy in that region was the creation of favourable economic conditions for the development of indigenous peoples, including the development of educational opportunities. His Government had been one of the prime movers behind the national aspect of the Second International Decade of the World's Indigenous People.

65. **Ms. Daes** (Greece) said that her delegation had been one of the initial sponsors of the United Nations Declaration on the Rights of Indigenous Peoples and urged Member States to support the Declaration's adoption, without any change or delay, at the current session of the General Assembly. The text of the Declaration had been discussed at length by a number of United Nations bodies and a broad range of stakeholders, including representatives of Member States and of the world's indigenous peoples. A number of its articles had been adopted by consensus, but for a variety of political, economic and other reasons, further discussion would not lead to a consensus on all articles. The Declaration affirmed the importance of indigenous peoples and their cultures and would serve as an important mechanism for protecting and promoting indigenous peoples' human rights and combating the legacy of more than five centuries of racism and discrimination.

66. **Mr. de Aristegui** (Spain) said that the adoption of the Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance was a landmark in the development of international human rights law and gave added protection to the groups concerned. While the long and difficult negotiations leading up to the adoption of the Declaration had not yielded a consensus, they had provided the necessary political momentum. As his delegation had pointed out at the first session of the Human Rights Council, the Declaration reflected the legitimate demands of indigenous peoples while taking account of States' sensitivities. Since the aim was to work together to improve conditions for indigenous peoples and given the Declaration's strong endorsement by representatives of indigenous groups, it was incumbent upon Member States to ensure its adoption by the General Assembly.

67. While Spain itself did not have any indigenous communities, it had a long history of cooperation with indigenous peoples and with the governments that protected them, in Latin America in particular. In recent years, that cooperation had been intensified and enriched by the active dialogue that had accompanied the drafting of the Declaration. The negotiation phase had gone on long enough, however, and it was time for Governments to endorse the Declaration politically. Accordingly, he hoped that the General Assembly would adopt the Declaration at the current session.

68. **Mr. Dall'oglio** (International Organization for Migration (IOM)) said that in April 2006, in cooperation with the secretariat of the Permanent Forum on Indigenous Issues, IOM had organized an expert workshop on indigenous people and migration. Migration had a deep collective cultural impact on indigenous peoples, who were closely linked to their communities and their lands, and therefore warranted special attention. Migration of indigenous people also had a positive potential, however. Indigenous people who migrated provided economic benefits to their community of origin in the form of remittances and also aided in the transfer of skills within the community. Migration also drew further international attention to indigenous issues and increased knowledge of and interest in indigenous peoples.

69. IOM was working to mainstream indigenous issues into its work. For instance, the IOM field office in Colombia had introduced guidelines to be used for all IOM project development regarding the inclusion of the rights of indigenous people. IOM had also joined the Inter-Agency Support Group on Indigenous Issues

in order to engage with other organizations and agencies on the challenges facing indigenous people and make its contribution on the topic of international migration.

70. **Mr. Rama Rao** (World Intellectual Property Organization (WIPO)) said that protecting traditional knowledge and traditional cultural expressions had been a key part of the work of WIPO since the late 1990s. In 2000, it had established an Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, whose mandate was to discuss international aspects of intellectual property issues in relation to those areas. The Committee had progressed from policy debate to norm-building and was currently examining draft texts which might form the basis for international instruments. It was considering all possible ways of addressing the interests of indigenous people and other stakeholders in traditional knowledge and cultural expressions.

71. To facilitate the participation of indigenous representatives, WIPO had introduced a fast-track accreditation procedure for all non-governmental organizations. More than 130 such organizations, the majority representing indigenous people, had received accreditation, and no applicant had been denied accreditation.

72. Other programme activities included capacity-building, legislative assistance, awareness-raising and training. WIPO also worked closely with the Permanent Forum on Indigenous Issues.

73. **Ms. von Lilien-Waldau** (International Fund for Agricultural Development (IFAD)) said that the experience of IFAD in working with the poorest rural communities had led it to focus particular attention on indigenous peoples, who were among the poorest and most marginalized in the world. Unfortunately, the living conditions of the 370 million indigenous people worldwide had not, as yet, figured prominently in the implementation of the Millennium Development Goals or the development of Poverty Reduction Strategy Papers (PRSPs). What little progress had been made had resulted primarily from indigenous peoples' own efforts. The international development community urgently needed to redefine its approaches to indigenous peoples, for whom poverty was closely connected with lack of respect for their political, cultural and economic rights and for their own abilities to identify problems and solutions concerning the well being of their communities.

74. In order to achieve the development goals of the Second International Decade of the World's Indigenous People, indigenous issues must be included in national poverty reduction strategies, including PRSPs, and the contribution of indigenous peoples to achieving the Millennium Development Goals needed to be adequately reflected in country programming processes. The transformational role of indigenous women in community affairs must also be strongly supported.

*The meeting rose at 6 p.m.*

United Nations A/C.3/61/SR.19

General Assembly
Sixty-first session

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## Third Committee

**Summary record of the 19th meeting**
Held at Headquarters, New York, on Tuesday, 17 October 2006, at 10 a.m.

*Chairman*: Mr. Ballesteros (Vice-Chairman) ..... (Costa Rica)

## Contents

Agenda item 64: Indigenous issues (*continued*)

(a) Indigenous issues (*continued*)

(b) Second International Decade of the World's Indigenous People (*continued*)

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06-57472 (E)

*In the absence of Mr. Al Bayati (Iraq), Mr. Ballesteros (Costa Rica), Vice-Chairman, took the Chair.*

*The meeting was called to order at 10.15 a.m.*

**Agenda item 64: Indigenous issues** (*continued*) (A/61/490)

**(a) Indigenous issues** (*continued*) (A/61/376)

**(b) Second International Decade of the World's Indigenous People** (*continued*)

1. **Mr. U Kyi Thein** (Myanmar) said that ethnic groups, or national races, as they were called in Myanmar, constituted 40 per cent of the population and lived mainly in the remote border areas. A separate Government ministry had been established in 1992 to promote their well-being. Its main objectives were to bring about economic and social development in the regions inhabited by the national races; to preserve their culture, literature and customs; to strengthen amity among the national races; to eradicate opium poppy cultivation and provide alternative means of livelihood; and to maintain security, regional peace and tranquillity.

2. Three national programmes — the Border Development Programme, the 24 Special Development Zones programme and the Integrated Rural Development Plan — to complement the work of that ministry were being implemented. Vast transformations were taking place in those regions, with the building of new roads, bridges, small-scale hydroelectric power plants, post and telegraph offices and telephone exchanges. The education and health sector had also seen major improvements, with the building of new schools, hospitals, dispensaries and health centres and the opening of agricultural service offices, farms, dams and tractor camps. The national races were also participating actively in the political process.

3. **Mr. Cumberbach Miguén** (Cuba) said that while much had been achieved during the First International Decade much remained to be done. One of the most important outcomes of the Second Decade would likely be the adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples and he called on all delegations to support it when it came before the General Assembly.

4. The South-South collaboration in which Cuba had engaged with many developing countries, particularly in Latin America, was bringing benefits to many indigenous communities in the area of health and literacy. Many young people from those communities had received bursaries to study at Cuban universities to become doctors, engineers and specialists in other fields of knowledge. The Programme of Action for the Second Decade should be given all the necessary support to allow the United Nations to continue playing a crucial role in the adoption of measures that would benefit indigenous people.

5. **Ms. Taracena Secaira** (Guatemala) said that her Government had taken various measures to promote the rights of indigenous people through permanent training and education programmes implemented by different Maya, Garifuna and Xinka organizations and coordinated by the Presidential Commission against Racism and Discrimination (CODIRSA) and other Government agencies. Through CODIRSA the Government implemented public policies to combat racism, exclusion and discrimination against indigenous people. The Office for the Defence of Indigenous Women's Rights (DEMI) ran training and self-esteem programmes to combat domestic violence and help indigenous women develop and participate actively in communal, municipal and national decision-making processes.

6. Guatemala had made considerable progress on the issue of political participation: members of indigenous communities were represented in the Congress and held decision-making positions in various State institutions and municipal governments and the country had hosted large-scale national and international conferences on the subject of indigenous people. The United Nations had undertaken major activities on the issue, including the establishment of the Permanent Forum on Indigenous Issues, one of whose members was a Quiche Maya from Guatemala. Guatemala hoped that the General Assembly would adopt the draft Declaration on the Rights of Indigenous Peoples as soon as possible.

7. **Mr. Pradip Nepal** (Nepal) said that his country was committed to the development and welfare of ethnic and indigenous people. The participation of indigenous people at meetings of the United Nations and its subsidiary bodies had increased and advanced the interests of indigenous people at national, regional and international levels. Nepal firmly believed that the

draft Declaration on the Rights of Indigenous Peoples could play a significant role as a frame of reference for the issues of indigenous people and it supported the recommendation of the Human Rights Council that the General Assembly endorse the adoption of the draft Declaration. In order to build on the momentum generated by the adoption of the draft Declaration, the international community should extend its support and cooperation to Member States so that they could take the necessary legislative and institutional measures at the national level. In this context, it should provide financial and technical support to developing countries, particularly least developed countries, and give special attention to countries emerging from conflict and violence.

8. With regard to the overall development of its various ethnic and indigenous people, Nepal had taken a number of legal, administrative and institutional measures to safeguard their interests and to promote their progress and prosperity. It had put in place laws, policies and strategies to implement constitutional and legislative measures as well as international instruments. The Government had placed a high priority on educational opportunities, health services, access to credit and protection of traditional knowledge and skills. It was also making genuine efforts to end all forms of discrimination or marginalization of indigenous people and was fully committed to protecting and promoting human rights and fundamental freedoms for all people, including ethnic and indigenous groups.

9. **Mr. Baja** (Philippines) said that the Philippine Constitution recognized and promoted the rights of indigenous cultural communities within the framework of national unity and development. The country's policies and actions to operationalize that commitment were based on human rights and the development of those communities. The centrepiece of its work was securing land for those communities and implementing a framework plan for the sustainable development and protection of ancestral domains.

10. The Government also provided livelihood projects that promoted self-sufficiency and were buttressed by capacity-building programmes and modules, such as entrepreneurial training, agro-industrial technology transfer, technical and financial cooperative assistance and social infrastructure support services. In the health sector, the National Commission on Indigenous People partnered with the Department of Health to promote and protect indigenous people's right to health, particularly through the elimination of tuberculosis, malaria and filariasis. In the area of education, a culture-sensitive curriculum had been developed for indigenous students and educational assistance was provided to students at the elementary, high school and college levels.

11. Other key initiatives had been undertaken to address human rights violations and emergency situations facing indigenous communities. For example, the National Commission had been strengthening its quick response unit, which was responsible for intervening in critical situations such as disasters, and had been enhancing the capability of the Office of Empowerment and Human Rights and the Legal Affairs Office to attend to reports of human rights violations against indigenous people. The Philippines looked forward to the adoption of the draft Declaration by the General Assembly.

12. **Mr. Droszewski** (France) welcomed the adoption by the Human Rights Council of the draft Declaration on the Rights of Indigenous Peoples, the culmination of a 20-year process, and expressed the hope that the Declaration would be adopted by the General Assembly. While the text was not perfect, his delegation believed that it was the best possible compromise, and would pave the way to better protection and promotion of the rights of indigenous peoples.

13. France was directly concerned with the issue because of the indigenous populations in its overseas territories, where it conducted programmes for their economic and social development appropriate to their specific needs and cultures. France would continue to provide financial support to the Second International Decade of the World's Indigenous People, and to support the work of the Coordinator of the Decade. He reaffirmed his Government's support for international human rights standards and democratic values, which the Declaration was intended to strengthen.

14. **Ms. Shoman** (Belize) speaking on behalf of the Caribbean Community (CARICOM), said that the activities of the first International Decade of the World's Indigenous People had brought the situation of indigenous people onto the international agenda, and had resulted in a growing understanding of the obstacles they faced in preserving their culture, livelihood and communities, while improving their

living conditions. One of the greatest achievements of the Decade had been the establishment of the Permanent Forum on Indigenous Issues. The Forum could play an important role in facilitating development initiatives for the indigenous peoples of the Caribbean, through advocacy for greater coordination between United Nations agencies in order to reduce duplication of effort. It could also encourage the collection of reliable data on the indigenous people of the region so that their problems could be more precisely addressed.

15. CARICOM hoped that the plan of action for the second Decade would take into account the outcome of the deliberations in the Permanent Forum. The second Decade was intended to strengthen further international cooperation to solve the problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development, by means of action-oriented programmes and projects, increased technical assistance and standard-setting activities.

16. Although important advances had been made during the first Decade, the report of the High Commissioner for Human Rights pointed out the indigenous peoples in many countries continued to be among the poorest and most marginalized. Much remained to be done to protect them from human rights violations, alleviate their poverty and safeguard them against discrimination.

17. CARICOM saw itself playing an important role in the development of the world's indigenous peoples. Indigenous people should be represented in Government and civil society organizations in order to increase consultation and collaboration. Only through dialogue could each side understand the challenges faced by the other. Indigenous people had an understanding of the harmony between humans and the environment and had taught others to better appreciate the gifts of nature; that was just a small part of the contributions of indigenous people to sustainable development. Therefore, it was important to strengthen the human and institutional capacities of indigenous people so as to allow them more participation in decision-making.

18. **Ms. Mballa Eyenga** (Cameroon) welcomed the proclamation of the Second International Decade of the World's Indigenous Peoples, which was expected to free indigenous groups from poverty and protect their rights, including the right to development and education, and especially the right to their cultural identity. As a member of the Human Rights Council, Cameroon had supported the adoption of the draft Declaration on the Rights of Indigenous Peoples, and looked forward to its adoption in the General Assembly.

19. The Constitution of Cameroon provided for protection of the rights of minorities, which extended to the Pygmy and Mbororo ethnic groups present in Cameroon and Central Africa in general. The Government had taken a number of measures to ensure that protection, including an awareness-raising campaign regarding their civil and political rights, issuing citizenship identity cards to enable them to participate in elections and protecting their traditional environment and lands. For example, the route of the Chad-Cameroon oil pipeline project had been changed so that it would not destroy Pygmy villages or hunting grounds.

20. Cameroon hoped that the second Decade would lead to the integration of indigenous groups into the daily life of the country and thereby demonstrate acceptance of differences, without which there would be neither peace nor dialogue within and among States.

*The meeting rose at 11.10 a.m.*

United Nations A/C.3/61/SR.20

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## Third Committee

**Summary record of the 20th meeting**
Held at Headquarters, New York, on Tuesday, 17 October 2006, at 3 p.m.

*Chairman*: Mr. Al Bayati ..... (Iraq)

## Contents

Agenda item 61 (a): Advancement of women (*continued*)

Agenda item 63 (a): Promotion and protection of the rights of children (*continued*)

Agenda item 67: Human rights questions

(a) Implementation of human rights instruments

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

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06-57484 (E)

*The meeting was called to order at 3.15 p.m.*

1. **Mr. Khane** (Secretary of the Committee) gave a presentation in which he demonstrated new technology enabling delegations to cosponsor draft resolutions electronically on the website QuickPlace. The new technology made it possible to view a list of all the sponsors of a given draft resolution. Also, if a delegation sponsored a draft resolution on behalf of a group of countries, it was possible to type in, for example, "on behalf of the Group of 77 and China".

**Agenda item 61 (a): Advancement of women** (*continued*)

*Draft resolution A/C.3/61/L.10: Intensification of efforts to eliminate all forms of violence against women*

2. **Ms. Samson** (Netherlands), introducing the draft resolution also on behalf of France, said that the following countries had become sponsors: Chile, Costa Rica, Fiji, Georgia, Germany, Greece, Hungary, Latvia, Luxembourg, Morocco, New Zealand, Slovakia, Switzerland and the United Kingdom. The in-depth study on violence against women (A/61/122/Add.1), presented the previous week, had shown that violence against women persisted in all regions of the world, hampering progress on human rights. The study should lead to national action plans, with United Nations bodies providing assistance to States in implementing them.

3. **Mr. Khane** (Secretary of the Committee) announced that Lebanon, Madagascar, Mozambique, Peru, Slovenia and Sweden had also become sponsors.

**Agenda item 63 (a): Promotion and protection of the rights of children** (*continued*)

*Draft resolution A/C.3/61/L.12: The situation of the Lebanese children*

4. **Mr. Khane** (Secretary of the Committee) said that the draft resolution had been cosponsored by the States Members of the United Nations that were members of the Group of Arab States. That would be reflected in a footnote.

5. **Mr. Amoros Núñez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that Lebanese children had once again been victims of Israeli aggression, which had resulted in over 1,100 civilian deaths, one third of them children. Many other children had been wounded or permanently disabled and thousands were living in unsanitary refugee camps. Schools and health centres in southern Lebanon had been destroyed. The greatest threat to children, however, was unexploded ordnance.

**Agenda item 67: Human rights questions** (A/61/36, 97, 220 and 280)

**(a) Implementation of human rights instruments** (A/61/40 (vols. I and II), A/61/44, 48, 226, 259, 279, 351, 354, and 385)

6. **Mr. Mokhiber** (Officer-in-Charge of the New York Office of the High Commissioner for Human Rights), introducing the annual report of the Human Rights Committee (A/61/40 (vols. I and II)), said that the Human Rights Committee had considered nine periodic reports and one country situation in the absence of a State party report. Under its individual complaints procedure, it had adopted 48 views on communications, declaring eight communications admissible and 25 inadmissible, and discontinued its consideration of 27 communications. A total of 71 communications had been registered and a total of 275 communications were pending.

7. Introducing the annual report of the Committee against Torture (A/61/44), he said that the Committee had considered the reports of 14 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had taken decisions on 14 individual complaints. The Secretary-General's report on the status of the Convention (A/60/279) indicated that 141 States had acceded to the Convention and 22 had ratified its Optional Protocol. Since the submission of that report, five more States had acceded to the Optional Protocol, which had entered into force on 22 June 2006.

8. The report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/61/226) provided information on the recommendations adopted by the Fund's Board of Trustees at its twenty-fifth session, at which the funding cycle had been changed, as recommended by the Office of Internal Oversight Services (OIOS). The report provided information on other OIOS recommendations and the steps taken by the Board and the Secretariat to implement them, in particular the recommendation calling for greater geographical

balance in grant allocation and a proactive approach by the Secretariat in identifying potential grantees. The Board had requested the Secretariat to renew its efforts to attract suitable applications from organizations working in both Africa and Asia, as well as in emerging democratic States, particularly the Commonwealth of Independent States. It had also set aside $250,000 to finance projects in the priority regions identified by the field presences of the Office of the High Commissioner for Human Rights (OHCHR). To strengthen the Board's policymaking role, it had been decided to hold two sessions a year starting in 2007, one to discuss policy issues, including fund-raising, and one to consider applications and recommendations for grants.

9. The forthcoming report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery would contain an overview of the Fund's financial status and activities. The Fund's Board of Trustees had recommended that a global review of the Fund should be undertaken, the results of which would be transmitted to the General Assembly at its sixty-second session.

10. Turning to the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/61/48), he said that the Committee had organized a day of general discussion on the human rights of migrants and development in order to prepare its written contribution to the High-Level Dialogue of the General Assembly on International Migration and Development. The Committee had considered the initial report of Mali, the first report submitted by a State party, and would consider the initial report of Mexico at its next session. It was requesting General Assembly approval of its request to hold two one-week sessions in 2007.

11. The report of the chairpersons of human rights treaty bodies on their eighteenth meeting (A/61/385) indicated that the chairpersons had discussed the harmonization of working methods and the reform of the treaty body system and had considered a Secretariat concept paper on a unified standing treaty body and proposals put forward by the respective committees. An updated version of the comparative analysis of the working methods of the seven treaty bodies had been presented to the fifth inter-committee meeting of those bodies. The meeting of chairpersons had accepted revised draft harmonized guidelines for treaty reporting, including guidelines on a common core document and treaty-specific documents. Since several States parties had begun to report under those guidelines, it had been recommended that the treaty bodies should begin applying the revised guidelines immediately, review their existing reporting guidelines and compile information on difficulties experienced in implementing them. The establishment of an inter-committee mechanism to keep the guidelines under review had also been suggested.

12. The report also contained a summary of a meeting between the chairpersons and the High Commissioner for Human Rights, at which the High Commissioner had explained that her proposal for a unified standing treaty body had been put forward in the context of the Secretary-General's invitation to take a progressive view of reform of the United Nations in general and human rights in particular and that she expected a range of views to be put forward and anticipated a robust but respectful debate. She had also indicated that she viewed the Human Rights Council's universal periodic review mechanism as a framework within which universal ratification would be encouraged.

13. **Mr. Wenaweser** (Liechtenstein) said that while the human rights treaty monitoring system was one of the success stories of United Nations activities in the field of human rights, the quality of treaty body membership varied and should be improved. Reporting requirements also placed a huge burden on States, especially small countries, and non-reporting was more often attributable to lack of resources than to lack of political will.

14. His Government and OHCHR had organized a meeting on treaty body reform in 2006 which had concluded that there was currently very little support for the creation of a unified standing treaty body. Accordingly, discussions should focus on other measures that were politically feasible and simple to implement, such as amendments to the human rights treaties. Practical measures were needed to address current shortcomings and no single proposal could solve all the problems facing the system. One option for reducing the reporting burden on Member States might be to merge the two Committees established under the International Human Rights Covenants.

15. **Mr. Takase** (Japan) welcomed the Human Rights Council's adoption of the International Convention for

the Protection of All Persons from Enforced Disappearance and the consensus reached on the text of the Convention on the Rights of Persons with Disabilities and its optional protocol. His delegation hoped that the two conventions would be adopted by the General Assembly at its current session.

16. While his delegation welcomed those developments, there was a risk that the addition of two new human rights treaties would aggravate the problem of overdue reports and non-submission of reports, further impairing the functioning of treaty bodies, and increase duplication of work. Moreover, the total membership of treaty bodies would increase as would their total annual session time. The increased financial burden would require efforts to enhance the efficiency of the treaty body system. In that context, the High Commissioner's proposal for a unified standing treaty body warranted careful examination, but several issues needed to be discussed in greater detail, such as new working methods, the qualifications of expert members and cost performance.

17. At the same time, it was urgent that States parties make efforts to streamline their reports. His delegation was not fully satisfied with the outcome of the discussion on harmonized reporting guidelines. Some guidelines, such as those relating to the classification of common core documents and treaty-specific documents, needed to be clarified. Member States should therefore continue their attempts to increase the precision and efficiency of their reporting, while using the harmonized guidelines as a reference. State parties should also share their views and information on good reporting practices, while the existing treaty bodies should strive to make States parties' work easier, especially by unifying their working methods.

18. **Mr. Abdullaev** (Uzbekistan) said that his Government was working to bring its domestic legislation into line with the international human rights treaties to which it was a party. It reported regularly to the United Nations treaty bodies and was implementing national action plans based on their recommendations. It had also established national human rights machinery based on the Vienna Declaration and Programme of Action, including a Constitutional Court, a parliamentary Ombudsman and a National Centre for Human Rights. It had liberalized its judicial and legal systems and guaranteed the independence of the judiciary and had established a national programme to enhance a culture of law and educate the population in human rights.

19. His Government had enacted a variety of laws to establish a firm legal basis for the activities of non-governmental organizations in Uzbekistan. In the past 12 years, the number of such organizations operating in Uzbekistan had more than doubled. The Uzbekistan Bar Association, among others, had helped increase citizens' participation in civic life and their awareness of their rights. His Government would continue to pursue fundamental democratic reform in the area of human rights protection.

20. **Mr. Liu** Zhenmin (China) said that China was a party to many international human rights instruments and was currently studying ratification of the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. His Government had always been conscientious in fulfilling its reporting obligations under the international human rights instruments to which it was a party. It also maintained a dialogue with the relevant human rights treaty bodies. It had assisted the Hong Kong and Macao Special Administrative Regions in fulfilling their treaty obligations and included reports from those regions in its national reports.

21. His delegation believed that the current reporting system was too complex, however, and imposed an excessive burden on countries, especially developing countries. It had also resulted in duplication of work among the various treaty bodies. He noted the recommendations for addressing that situation contained in the Secretary-General's report on the strengthening of the United Nations (A/57/387) and put forward at the meetings of chairpersons of human rights treaty bodies and the inter-committee meetings. OHCHR, for its part, had put forward the idea of a unified standing treaty body. Reform of the human rights treaty bodies involved many complex legal issues and would require extensive consultations with Member States to find a solution on which there was broad consensus. Any reform initiative should aim to simplify the reporting process, enhance efficiency and save resources and his delegation was ready to participate actively in the relevant consultations.

22. The consideration of States parties' reports by the various treaty bodies was a process of dialogue and

exchanges conducted on an equal footing. Those bodies' concluding observations and recommendations provided important guidance for States parties and should therefore reflect the reality of individual States. The treaty bodies should work objectively and fairly and avoid being used by groups or individuals for political ends. Accordingly, they should treat information from outside sources with caution and avoid criticizing governments on the basis of unsubstantiated claims.

23. **Mr. Cho** Yun (Republic of Korea) said that the meetings of chairpersons of human rights treaty bodies and the inter-committee meetings had become key forums for discussing more efficient and results-oriented implementation and monitoring of global human rights norms. With the creation of the Human Rights Council and the ongoing discussions on the universal periodic review (UPR), a new era in the protection and promotion of human rights was about to begin. The main challenge was to implement international human rights instruments efficiently at the domestic and global levels while maximizing synergy and continuing discussions on reform of the United Nations human rights machinery.

24. With eight distinct human rights treaty bodies, 115 treaty body experts and a growing number of treaties and ratifications, the workload of the treaty bodies and the Secretariat had increased dramatically, leading to inefficiency, duplication of work and conflicting priorities. What was required was to harmonize and coordinate the procedures of the various treaty bodies, as proposed by the Secretary-General in his report "In larger freedom: towards development, security and human rights for all" (A/59/2005) and as outlined more recently in the OHCHR Plan of Action, which proposed the creation of a unified standing treaty body.

25. While some delegations saw such a body as a means of streamlining the various implementation mechanisms, others were concerned about a possible loss of specificity, especially with regard to more vulnerable groups. His delegation felt that it could be an alternative to the existing complicated system, but that discussions on the subject should be given sufficient time for the various views expressed by Member States to be harmonized. A way must be found to maintain the advantages of a unified system without sacrificing specificity and to address the legal issues associated with restructuring into a unified entity. The discussions should be developed in parallel with those on the UPR, since the treaty bodies' concluding observations would be the review's main component.

26. It was also important to continue to focus on addressing the problems of duplication, backlogs, non-reporting, lack of follow-up to recommendations and treaty body visibility under the current legal framework. All those problems called for a more cooperative attitude and political will on the part of Member States and enhanced visibility of the treaty bodies.

27. **Ms. Blum** (Colombia) said that her country was firmly committed to complying with the international human rights instruments to which it was a party and fulfilled its treaty body obligations. For the part 10 years, it had been open to international human rights supervision through the country presence of OHCHR. Human rights were a priority issue for her Government, whose national development plan contained clear mandates for progress in that area and important policy guidelines based on the recommendations of United Nations agencies and treaty bodies.

28. Through its democratic security policy, her Government had reversed the trend towards increasing violations of human rights and fundamental freedoms. Between 2002 and 2005, there had been a marked reduction in cases of homicide, kidnapping, forced displacement, attacks on civilians and terrorist acts, as well as in complaints against the public security forces, even though military operations had increased. Further improvements in 2006 had had a positive impact on the exercise of human rights.

29. Over the past four years, 31,700 members of illegally armed self-defence groups had been demobilized collectively and 10,500 members of illegally armed groups had demobilized individually under the Justice and Peace Act adopted by the Congress. The Act was not just a "pardon and forgiveness law", as some had described it but an instrument to facilitate peace processes with illegal armed groups, reintegrate their members and guarantee the rights of victims to truth, justice and reparation. A National Reparation and Reconciliation Commission had been set up under the Act, comprising representatives of the Government, civil society, autonomous government bodies and victims. Its mission was to establish the historical truth in order to

avoid a repetition of violence and to coordinate activities for the care and compensation of victims of violence.

30. In terms of political rights, democracy was expressed through popular referendums, civic participation and elections at all levels, in which leaders of very diverse political tendencies had been elected to government and other posts. The progress achieved in terms of economic investment and development and reduction of poverty and unemployment had made the country better equipped to meet the challenges of the Millennium Declaration, especially with regard to economic and social rights.

31. With regard to treaty body reform, it was important to avoid the excessive proliferation of mechanisms and to move towards a framework of synergy, rationalization and coordination, while developing national capacity, a cooperative dialogue with States and a transparent periodic review mechanism.

32. **Mr. Kerr** (Australia), speaking also on behalf of Canada and New Zealand, reaffirmed their commitment to renewal and reform of the human rights treaty body system. He welcomed the publication of harmonized reporting guidelines, including guidelines on a common core document and treaty-specific documents, which would help States streamline their reporting procedures, and commended the various committees for testing new approaches to their work, including initiatives to expedite the timely consideration of States' reports through the use of dual chambers. Given the important role of civil society, further work should be done to develop harmonized working methods for the exchange of information between the committees and non-governmental organizations and national human rights institutions.

33. The degree of overlapping in the work of the various committees and the backlog of States' reports remained cause for concern. While the Human Rights Council's universal periodic review mechanism provided an opportunity to improve States' implementation of human rights obligations, it should complement, but not duplicate, the existing treaty body system. He welcomed the High Commissioner's work with States and civil society to streamline the treaty body system and her innovative approach to exploring reform options, including her proposal for a unified standing treaty body. He also appreciated her continuing initiatives to strengthen the OHCHR field presence. Increased country engagement would greatly enhance her Office's capacity to support stakeholders in participating in the reporting process and in providing accurate, relevant information to committees.

34. **Mr. Hemayetuddin** (Bangladesh) said that human rights should be addressed through an integrated, holistic approach. Civil and political rights and economic, cultural and social rights, including the right to development, were equally important and were interdependent and mutually reinforcing. His Government was fully committed to the promotion and protection of the human rights of all its citizens without discrimination and to building a society free from exploitation in which all citizens were equal before the law.

35. Bangladesh was a party to all of the major international human rights instruments and had made every effort to ensure their effective and timely implementation. His Government accorded the highest priority to the empowerment of women and to the promotion and protection of women's and children's rights at the national and regional levels. Civil society and non-governmental organizations cooperated with the Government to empower women through microcredit and non-formal education schemes. National human rights machinery had also been established and steps were being taken to separate the judiciary from the executive branch and to establish an independent public prosecution service.

36. Bangladesh would continue to play an active role in the promotion of human rights and peace through its membership in the Human Rights Council and the Peacebuilding Commission. It welcomed the finalization of the Convention on the Rights of Persons with Disabilities.

37. Poverty posed daunting challenges to the exercise of human rights and led to inequality and discrimination. The granting of the 2006 Nobel Peace Prize to Muhammad Yunus of Bangladesh and to the Grameen Bank that he had founded underscored the link between poverty alleviation and peace. Although Bangladesh faced many challenges and constraints, it would continue to struggle to create an enabling environment for the promotion and protection of all human rights and fundamental freedoms by adhering to cross-cutting best practices and democratic principles.

38. **Mr. Hatem** (Iraq) said that his Government was reviewing its domestic legislation to make sure that it was in line with the Iraqi Constitution's commitment to human rights and with international and regional human rights instruments to which Iraq was a party. Numerous human rights-related laws had been introduced after the fall of the previous regime. A recommendation had been made to the Iraqi Parliament in favour of accession to the two Optional Protocols to the Convention on the Rights of the Child. He reiterated Iraq's need for international support during its period of rebuilding.

39. **Mr. Buff** (International Committee of the Red Cross (ICRC)) welcomed the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, which provided for a crucial and comprehensive system of regular visits to persons deprived of their liberty. While States were entitled to detain people on a number of grounds, including security-related reasons, they also had an obligation under international humanitarian and human rights law to treat persons deprived of their liberty humanely. Such law prohibited the use of torture and any form of cruel, inhuman or degrading treatment or punishment, which could not be legally or morally justified in any circumstances.

40. Compliance with the total prohibition of any form of ill-treatment depended on the existence of an environment conducive to respect for the rule of law and human dignity. Such an environment, in turn, required the necessary political will in the form of appropriate national laws and policies, internal control and review mechanisms, education and training programmes for civilian and military personnel involved in law enforcement and the interrogation and treatment of detainees and assistance and compensation for victims of torture as well as adequate openness to scrutiny, which was crucial for preventing and eliminating ill-treatment.

41. With more organizations and bodies visiting places of detention, the challenge in the coming years would be to ensure coherence among them all. Particular emphasis must be placed on avoiding duplication of effort, excluding contradictory recommendations or references to different standards and establishing a minimum level of coordination.

*The meeting rose at 5.05 p.m.*

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## Third Committee

**Summary record of the 21st meeting**
Held at Headquarters, New York, on Wednesday, 18 October 2006, at 10 a.m.

*Chairman*: Mr. Al Bayati ..... (Iraq)

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Agenda item 67: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

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06-57641 (E)

*The meeting was called to order at 10.15 a.m.*

**Agenda item 67: Promotion and protection of human rights** (*continued*) (A/61/36, 97, 220 and 280)

**(a) Implementation of human rights instruments** (*continued*) (A/61/40, vols. I and II, 44, 48, 226, 259, 279, 351, 354 and 385)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action**

1. **Mr. Amoros Nuñez** (Cuba) said that the universality, indivisibility and interdependence of all human rights was more relevant than ever. The activities of the Office of the High Commissioner for Human Rights should be based on those principles, and it should work towards the elimination of obstacles to the full enjoyment of all human rights. Yet civil and political rights continued to receive preference over economic, social and cultural rights, which ran counter to the Vienna Declaration and to the Charter of the United Nations.

2. United Nations reform, including of its human rights machinery, had gained momentum in recent years, and had led to the establishment of the new Human Rights Council. That reform must extend to the Office of the High Commissioner as well. In many resolutions put before the former Commission on Human Rights, his delegation had advocated for equitable geographical distribution of posts in that Office, yet, rather than improving, the imbalance had continued to worsen. It was paradoxical to implement a strict geographical distribution of seats on the Human Rights Council while allowing the Office of the High Commissioner to remain the almost exclusive domain of the developed West. His delegation therefore attached great importance to the report of the Joint Inspection Unit on a management review of that Office (JIU/REP/2006/3), which contained recommendations to redress the situation.

3. The system of special procedures established by the Human Rights Council was not immune to the political manipulation that had led to the demise of the Commission on Human Rights. The lack of objectivity and the selectivity and bias shown in many cases undermined its work. His delegation was also concerned at the attempts to mingle the work of the Council with that of the treaty bodies and other special procedures. Those mechanisms had different mandates and features which should be kept separate.

4. With regard to requests for increased resources for the Office of the High Commissioner, giving preference to activities concerned with civil and political rights to the detriment of economic, social and cultural rights was unacceptable. True reform of the United Nations human rights machinery would require genuine cooperation, in order to guarantee the full realization of all human rights.

5. **Mr. Abdalhaleem** (Sudan) said that economic, social and cultural rights deserved the same amount of attention as political and civil rights. Cultural rights should be strengthened through the dissemination of the values of tolerance and dialogue. Respect for cultural diversity was the only way out of the crisis created by the culture of superiority.

6. The establishment of the Human Rights Council was a promising development. Its predecessor had stagnated for over half a century and had been transformed into a political instrument that operated selectively and on the basis of double standards. There were high hopes that the new body would restore credibility and neutrality and remain above political pressures, returning to the principles of dialogue and mutual understanding on which the United Nations had been founded. The Office of the High Commissioner for Human Rights also needed to accelerate its reform measures with a view to correcting the imbalance in its composition that allowed it to be controlled by certain geographical groupings to the exclusion of others. As a universal forum for discussion of human rights issues, the Third Committee should work with the Human Rights Council to lay the foundations for a new modus operandi based on dialogue, cooperation and objectivity. He called for a universal periodic review mechanism for both large and small countries in order to avoid a process which selectively targeted some States while granting clean bills of health to others that were major violators.

7. **Ms. Enkhsetseg** (Mongolia) said that a number of important developments aimed at strengthening the United Nations human rights machinery had recently occurred. The creation of the Human Rights Council had given practical expression to the recognition of human rights as a pillar of the work of the Organization, along with security and development.

Her delegation hoped that the strengths of the previous mechanism would be retained and its weaknesses avoided.

8. The Office of the High Commissioner for Human Rights had been strengthened, and her delegation especially welcomed the new emphasis on poverty reduction as a tool for translating human rights norms and standards into policies in favour of the poor. It also supported efforts to strengthen protection for economic, social and cultural rights.

9. A coordinated approach to the human rights treaty body system had been developed. The finalization of harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and targeted treaty-specific reports, should ease the reporting burden for States parties. She expressed interest in the technical assistance offered by the Office of the High Commissioner in following those guidelines. A number of treaty bodies had taken innovative approaches to their work, but more progress was needed to improve their effectiveness. The overlap in their work and the backlog of reports must be addressed.

10. In the new era of implementation of human rights, the role of States could not be overemphasized. Member States needed more support through technical assistance and advisory services aimed at capacity-building and human rights education. Since the adoption of its Constitution in 1992, Mongolia had been actively engaged in legal reform to bring its domestic laws in line with international standards. It took its reporting obligations under international human rights treaties seriously, and concluding observations and recommendations resulting from its reports had been discussed at the national level by all stakeholders, which facilitated efforts to ensure their effective implementation.

11. **Mr. Sharafutdinov** (Uzbekistan) called attention to three ways in which Uzbekistan was implementing the provisions of the Vienna Declaration and Programme of Action. A parliamentary ombudsman had been in place since 1995 and a law of 1997 set out his functions, laid down the basis for his dealings with State bodies, especially the judiciary and the law enforcement agencies, and established a system of regional representation which might shortly also be extended to penal colonies. Practical measures to restore civil rights, to improve human rights legislation, to raise public awareness of such legislation and to develop international cooperation had been introduced. The Ombudsman submitted an annual report to Parliament on his activities, which was widely disseminated.

12. Uzbekistan had also established the National Human Rights Centre, whose activities were fully in line with the Principles relating to the Status of National Institutions (the Paris Principles). The Centre coordinated the work of preparing and submitting Uzbekistan's periodic reports on the six main United Nations human rights instruments. Over the 10 years of its existence, the Centre had prepared 18 periodic reports for submission to the United Nations treaty bodies. A major aspect of its work was the dissemination of human rights information and awareness-raising.

13. The Monitoring Institute had been established in 1996, with the mandate of monitoring legislation and ensuring that it conformed with international standards. The Institute's work was useful in evaluating the Government's policy on human rights legislation, giving an overall picture of the activities of State bodies and ascertaining any violations. A special role was played by NGOs established and functioning in Uzbekistan, whose activities contributed to the support and protection of human rights.

14. Cooperation between the State and judicial bodies and national human rights institutions had proved fruitful. In 2004, agreements had been reached between the Ombudsman and the Office of the Procurator-General and the Ministry of the Interior on cooperation in resolving human rights issues. The Ombudsman had been authorized to investigate the worst human rights violations in both those bodies, including torture. Experience had shown that the mere holding of an independent investigation tended to prevent the use of torture.

15. In 2003, the Ministry of the Interior and the Uzbekistan Lawyers' Association had signed an agreement on the procedure for the participation of lawyers in preliminary investigations in criminal law cases. The agreement provided that members of the Association should be attached to each law enforcement agency to ensure that a detained person would be provided with protection within an hour or two at any time of day or night. It also gave a lawyer engaged in the investigation of a criminal law case

additional powers to bring human rights violations to the attention of the head of the investigative unit concerned. Similar agreements had been reached with other NGOs.

16. In line with the obligation under the Vienna Programme of Action to provide systematic human rights training, the Ministry of the Interior Police Academy had established a human rights faculty and every student underwent a course on human rights. Refresher courses and higher education courses for non-commissioned officers contained training on international law and human rights. Similar training was provided for the staff of the Procurator-General of the Republic and the Ministry of Justice. All such courses were conducted in close cooperation with the National Human Rights Centre. Over 100 international and regional human rights instruments had been translated into Uzbek.

17. **Mr. Gandhi** (India) said that development without democracy, social justice and respect for human rights was not sustainable, and the 2005 World Summit had acknowledged that peace and security, development and human rights were the pillars of the United Nations system. The Millennium Development Goals were, in a sense, rooted in the Vienna Declaration, which had reaffirmed that the right to development was a universal and inalienable right. His delegation hoped that the new Human Rights Council would play a decisive role in fulfilling the promise of the Millennium Declaration to make the right to development a reality for all, by working towards a legally binding instrument on the right to development.

18. The major challenge was moving away from selectivity, double standards and partial approaches in dealing with promotion and protection of human rights. An honest, self-critical appraisal was needed to determine whether a genuine improvement in human rights had been achieved through issuing "report cards" or intrusive monitoring. Rather than adopting resolutions critical of particular countries year after year, his delegation favoured an approach based on dialogue, consultation and cooperation.

19. The initiatives of the Office of the High Commissioner for Human Rights in the area of economic, social and cultural rights and a rights-based approach to development were welcome. His Government stressed the importance of national capacity-building in human rights and would continue to support technical cooperation programmes providing assistance to countries on request. It was also important to underscore the role played by civil society.

20. The Vienna Declaration called on the international community to cooperate to prevent and combat terrorism. As a violent expression of extremism, terrorism represented a negation of every liberal value that sustained the concept of human rights. He trusted that the Global Counter-Terrorism Strategy would be an impetus for the international community to unite in its fight against terrorism. Broad-based international cooperation in that area would reduce the space available to terrorists and increase the capability of States to address such threats. His delegation hoped for an early conclusion of the negotiations on a comprehensive convention on international terrorism.

21. As a large, democratic, multi-ethnic, multireligious, multilingual and multicultural society, India straddled all divides through its pluralism, moderation and balance. The political community did not fragment and constitutionally guaranteed freedom of religious belief was sustained by the deeply ingrained value of secularism in civil society.

22. **Ms. Angote** (Kenya) said that even though human rights were universal, indivisible, interdependent and interrelated, States tended to overemphasize the importance of civil and political rights over economic, social and cultural rights. To achieve a balanced implementation of all human rights, the two categories must be addressed. To that end, her Government had put in place a national development strategy aimed at securing the socio-economic rights of the poor and marginalized by focusing national development efforts on the elimination of poverty.

23. Her Government had made tremendous efforts to honour its reporting obligations to human rights treaty bodies. In 2005, it had submitted its second periodic report to the Human Rights Committee and, in 2006, it had submitted comprehensive responses to the concluding remarks of that Committee in addition to the fifth and sixth combined reports to the Committee on the Elimination of Discrimination against Women and the initial report to the Committee on Economic, Social and Cultural Rights. But keeping up with reporting requirements was onerous. Her Government therefore welcomed the current initiatives to reform the

treaty body system and urged the Office of the High Commissioner for Human Rights to strengthen its technical assistance and capacity-building activities to assist States in shouldering the heavy reporting burden.

24. The Government was in the process of developing a national human rights policy and plan of action for the promotion and protection of human rights, in an effort to incorporate into domestic law the provisions of the various human rights instruments to which it was a party. It had taken other measures to promote and protect human rights: establishment of a national commission on human rights and of an inter-ministerial committee to advise the Government; appointment of a multisectoral steering committee to coordinate the development of national policy; ratification and implementation of the relevant international and regional human rights instruments. Nevertheless, it still faced some key challenges: weak institutions, lack of awareness, poverty and constitutional and legal reforms.

25. **Ms. Seanedzu** (Ghana), while expressing satisfaction with the successful conclusion of various human rights instruments, said that many countries and regions of the world were still confronted with terrible human rights challenges. It was therefore important for individuals, Governments, the United Nations and civil society to ensure that human rights declarations were translated into reality. In the case of Ghana, successive Governments had undertaken to build democracy, good governance, the rule of law and respect for human rights. The country had moved steadily to action by concretizing the standards set forth in the core international human rights instruments to which it was a party. Its Constitution had also reaffirmed the importance of respecting all human rights and fundamental freedoms of all its citizens, consistent with international law. Under the same Constitution, a commission on human rights and administration of justice had been established to educate the public on human rights and fundamental freedoms. Further, the Government had strengthened its legal framework for persons with disabilities, passed the Human Trafficking Act and intensified its efforts to eliminate gender-based violence and discrimination. Ghana still believed that States bore the primary responsibility for translating into reality the promises they had made but that it was also a collective responsibility of the international community to assist in the performance of that task.

26. **Mr. Talbot** (Guyana), speaking on behalf of the Rio Group, said that the Rio Group was committed to strengthening the international human rights system and was willing to continue working closely with all delegations to build a strong and efficient Human Rights Council. The Group was of the view that capacity-building at the national level was critical for the protection of human rights and that the Office of the High Commissioner for Human Rights was well placed to play an instrumental role in that regard. It felt that human beings were central to the development process and therefore regarded hunger as an outrage and a violation of human dignity. The right to food must be ensured through effective public policies and the root causes of hunger must be addressed. States had an obligation to strive for the elimination of the conditions that gave rise to poverty and needed to cooperate to overcome those obstacles.

27. The Rio Group attached high priority to ensuring the right of everyone to the highest attainable standard of physical and mental health. It was particularly important to ensure access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria. The progress achieved in the Declaration on HIV/AIDS was welcome, as was the commitment to assist developing countries so that they could use the flexibilities inherent in the World Trade Organization in that regard. The Group remained convinced that the draft International Convention on the Rights of Persons with Disabilities, after its adoption by the General Assembly, would be an indispensable instrument in the promotion of the rights of persons with disabilities around the world.

28. The Group welcomed the growing consensus on the positive contributions of migrants to development but felt that consensus must also be reached on the need to ensure the human rights of migrants. It also welcomed the adoption by the General Assembly of a Global Counter-Terrorism Strategy in which Member States resolved to condemn terrorism in all its forms and manifestations. The Group acknowledged the important role played by human rights defenders in combating poverty, inequalities and discrimination and, recognizing that they were often victims of threats, intimidation, kidnapping and even assassination, was committed to providing conditions that would enable them to carry out their work in safety.

29. **Mr. Shobokshi** (Saudi Arabia) said that, although the term "human rights" was modern, the idea of

respecting all people without regard to gender, colour or any other characteristic was present in the Qur'an and had been developed and expanded by the Islamic Shari'a. As a consequence, human rights were comprehensively and firmly rooted in all walks of Saudi society. Saudi Arabia was a party to numerous international human rights agreements, and its Government was studying the possibility of accession to others it had not yet signed.

30. Human rights should not be used as an instrument of political pressure or economic interest. They were a blessing from the Creator, not a gift granted by one person to another. They were not the monopoly of any particular civilization and should not be used as a pretext for the imposition of alien values by one culture on another or interference in another country's affairs. Concern for human rights was a collective responsibility. He called on the international community to put a stop to human rights violations in occupied Palestinian territory and to campaigns of defamation against religions and religious symbols. Only then could the universality of human rights be established.

31. **Mr. Limon** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM welcomed the recent adoption by the Ad Hoc Committee of the draft International Convention on the Rights of Persons with Disabilities and looked forward to its early adoption by the General Assembly, so that the millions living with a disability could enjoy the full protection of their rights.

32. The world was still plagued by ethnic hatred, discrimination on the grounds of religion or sex and deprivation of food, shelter, access to health care, education or work. CARICOM therefore welcomed the efforts of the human rights bodies to consider obstacles to the implementation of such internationally agreed goals as the Millennium Development Goals.

33. Measures in the fight against terrorism should at all times conform with international human rights and humanitarian law. CARICOM wished to reiterate its strong objection to the use of torture and other inhumane or degrading treatment or punishment as a tool in the fight against terrorism. In that connection, CARICOM hoped that the Special Rapporteur on the promotion and protection of human rights while countering terrorism would engage in discussions with the regional mechanisms of the Caribbean region concerning regional efforts in the fight against terrorism from a human rights perspective.

34. CARICOM States had actively participated in the debate on the reform of the human rights machinery and the establishment of the Human Rights Council. The core function of the Council should be to encourage unilateral respect for all human rights and fundamental freedoms. As for the proposal by the United Nations High Commissioner for Human Rights for a unified standing treaty body, it was of critical importance to make a clear assessment of the legal implications of such a body and its future membership. The specificities of each treaty should be preserved and the rights of particular rights-holders should be taken into account. Consultations on the proposal should be broad-based, inclusive and transparent. The treaty bodies themselves should contribute to the discussion.

35. Reporting requirements under treaty provisions were sometimes very challenging to States with limited human and financial resources. Increased international cooperation would significantly contribute to supplementing national efforts in the implementation of international obligations. CARICOM noted the recent adoption by the treaty bodies of draft harmonized guidelines of reporting under the international legal framework. It was encouraging that some member States had already started applying the guidelines. States should, however, remain vigilant lest the streamlining should result in an additional reporting burden on States.

36. Slavery and the slave trade were among the most serious violations of human rights in the history of humanity, and it was regrettable that it had taken the international community almost 200 years to acknowledge the fact. The issue of reparation and compensation for slavery remained outstanding. In view of the bicentenary in 2007 of the abolition of the transatlantic slave trade, CARICOM had submitted a draft resolution honouring the memory of those who had died as a result of slavery and highlighting the consequences for the peoples of Europe, Africa, the Americas and the Caribbean. It trusted that the draft resolution would be widely supported and would be sponsored by as many delegations as possible.

37. **Mr. Salgueiro** (Portugal) said that, although the two International Human Rights Covenants were currently celebrating their fortieth anniversary, the fact remained that economic, social and cultural rights still

enjoyed less protection at the international level than civil and political rights. There were remedies for the victims of torture, arbitrary detention or the violation of the freedom of speech, religion or association, but the right of petition at the international level was still not available to those affected by, for example, severe malnutrition, inadequate health care or a lack of educational opportunities. The increasing attention paid to economic, social and cultural rights by national courts was no substitute.

38. His delegation therefore welcomed the progress made by the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would, as the United Nations High Commissioner for Human Rights had said, complement remedial avenues under the European, inter-American and African regional human rights systems. At its first session, the Human Rights Council had decided by consensus to renew the Working Group's mandate for two years. The Chairperson-Rapporteur of the Working Group had been requested to prepare a draft text. He hoped that negotiations would proceed swiftly and that consensus could soon be reached on the provisions of an optional protocol. His delegation welcomed the recent conclusion of negotiations on the draft International Convention on the Rights of Persons with Disabilities and its draft optional protocol providing for a communications procedure. That boded well for the adoption of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. The establishment of a communications procedure similar to those existing under the vast majority of the core human rights treaties would significantly improve the plight of victims of violations of economic, social and cultural rights.

*The meeting rose at 11.55 a.m.*

United Nations A/C.3/61/SR.22

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## Third Committee

**Summary record of the 22nd meeting**
Held at Headquarters, New York, on Wednesday, 18 October 2006, at 3 p.m.

*Chairman*: Mr. al Bayati ..... (Iraq)

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Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

(c) Human rights situations and reports of special rapporteurs and representatives

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06-57647 (E)

*The meeting was called to order at 3.10 p.m.*

**Agenda item 67: Promotion and protection of human rights** (*continued*) (A/61/36, 97, 220 and 280)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and A/61/513)

**(c) Human rights situations and reports of special rapporteurs and representatives** (A/61/276, 349, 360, 369, 374, 469, 470, 475, 489 and 504)

1. **Ms. Arbour** (United Nations High Commissioner for Human Rights), introducing her Office's latest report (A/61/36), said that the blueprint for a Human Rights Council had now become a reality. The new body had achieved the adoption of two standard-setting instruments, the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. It had also begun to map out its architecture and modus operandi, especially the universal periodic review (UPR), which would complement the work of the treaty bodies and special procedures. Together, those mechanisms, were designed to offer a comprehensive understanding of country situations, with the goal of helping States to fulfil their human rights obligations.

2. The Plan of Action of the Office of the High Commissioner for Human Rights (OHCHR) was now being implemented. A Strategic Management Plan had been devised for the period 2006-2007 to guide the Office's work while optimizing the resources available. OHCHR assisted States in addressing gaps in human rights protection by providing a forum for dialogue, monitoring developments on the ground and conducting research and technical cooperation. Its Headquarters capacity, its field presence and its partnerships with other parts of the United Nations system were all being strengthened and it was seeking to overcome limitations in access to a number of countries. Its Rapid Response Unit had enabled it to deploy human rights officers at very short notice, as in the case of Lebanon during the July 2006 crisis. OHCHR had also played a role in various fact-finding missions and commissions of inquiry, such as those sent to Darfur, Kyrgyzstan and Togo in 2005 and Timor-Leste, Liberia and Lebanon in 2006.

3. To address the longer-term objectives of country engagement, country offices had been opened in Nepal, Uganda and Guatemala and additional offices were planned in Togo and Bolivia. The offices in Cambodia and Colombia were continuing their support for the implementation of action plans for human rights. OHCHR was also preparing to open five new regional offices, whose task would be to assist countries without a country presence in strengthening national capacity and building links with regional institutions and civil society networks. The Regional Office for the Arab Region and the Gulf, in Beirut, had been revitalized and a Regional Office for West Africa was in preparation in Dakar. OHCHR was negotiating for a Regional Office for Central Asia and was consulting on the establishment of a Cairo-based Regional Office for Northern Africa. It would soon be able to identify a location for a Regional Office for Central America. The Cameroon-based Subregional Centre for Human Rights and Democracy in Central Africa was being strengthened and a Human Rights Training and Documentation Centre for South-West Asia and the Arab Region was planned in Qatar.

4. OHCHR country strategies were also carried on through other United Nations partners in the field. The Office played a key role in enabling the human rights components of peacekeeping missions to go beyond their traditional monitoring role and to provide technical cooperation and training. It was also developing a common institutional framework with human rights advisers deployed to United Nations country teams. That would offer better linkages between OHCHR, Resident Coordinators and United Nations agencies, departments and field programmes. Interaction with humanitarian agencies had also been fruitful in addressing human rights issues in areas affected by conflict or by natural disasters such as the Asian tsunami and the earthquake in Pakistan.

5. Poverty and underdevelopment exacerbated abuse, neglect and discrimination while denying millions the enjoyment of their civil, cultural, economic, political and social rights. For that reason, OHCHR had chosen "Poverty and human rights" as the theme for Human Rights Day in 2006 and would continue to support intergovernmental discussions on the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights

establishing an individual communications procedure. Aware of the need to empower women and strengthen their rights, OHCHR engaged in collaborative projects and stand-alone initiatives to combat discrimination and violence against women, including the forthcoming establishment of a dedicated unit at Headquarters. Discrimination exposed many groups and individuals to dramatically unequal enjoyment of economic, social and cultural rights. Growing racial discrimination in some regions was fuelled by fear of terrorism, misconceived perceptions of identity or anxiety over competition for employment. OHCHR worked to combat discrimination by setting and implementing standards and by executing projects targeted at education, training, advocacy and legal protection. To assist in bringing about legitimate and effective institutions of governance, it provided policy guidance, advisory services and expertise in the areas of transitional justice and the rule of law. In Burundi, for example, it was negotiating the establishment of a Truth and Reconciliation Commission and a Special Tribunal.

6. **Mr. Saeed** (Sudan) asked what steps OHCHR planned to take to address the imbalance in the geographical distribution of its staff and requested information on the regional distribution of key posts in the Office. He also asked what mechanisms were in place to ensure that economic, social and cultural rights were given the same consideration as political rights.

7. **Ms. Lintonen** (Finland), speaking on behalf of the European Union, asked what measures could be taken and what forms of international cooperation were needed to achieve the human rights-related Millennium Development Goals and what steps States could take to improve their record on sustained poverty reduction.

8. The European Union supported the High Commissioner's aim of increasing country engagement activities and enhancing technical assistance to help States implement human rights norms. With regard to capacity-building for monitoring and responding to human rights violations, for instance in northern Uganda, she wished to hear more about the Office's experience in forming partnerships with humanitarian actors to ensure the mainstreaming of human rights into all aspects of United Nations work. Lastly, she wished to know what countries the High Commissioner was planning to visit in the near future.

9. **Mr. Bollavaram** (India) asked what measures were envisaged to help the various institutions involved conduct treaty body reform. He would also welcome more information on how Millennium Development Goal 8 on developing a global partnership for development could be achieved in practice.

10. **Ms. Zhang** Dan (China) said that her delegation appreciated hearing that OHCHR would take measures to ensure that economic, social and cultural rights were treated on a par with political rights. She regretted that the geographically imbalance in the composition of the staff of OHCHR had persisted and even worsened and asked what specific measures the High Commissioner would adopt to remedy that situation as soon as possible.

11. **Ms. Arbour** (United Nations High Commissioner for Human Rights), reaffirmed her unequivocal interest in ensuring that her Office reflected a multicultural, geographically representative reality. A number of measures could be taken to increase the pool of candidates from underrepresented regions. However, as a part of the United Nations Secretariat, OHCHR could only take initiatives that were in line with United Nations rules and regulations. One major impediment to the Office's efforts to change its profile substantially and rapidly was the rule governing the National Competitive Recruitment Examination (NCRE). About 50 per cent of OHCHR staff were recruited through that examination, which tended to produce an overwhelming majority of candidates from developed Western countries. One way to address that problem would be to request exemption from the NCRE requirement, at least for a few years, to permit the recruitment of talented and competent junior staff members from underrepresented regions.

12. With regard to social, economic and cultural rights, OHCHR had stressed the need to be more proactive, inter alia, by establishing a sound legal basis for those rights and the capacity to advocate for their implementation at the national level, in the same way that civil and political rights had been the subject of legal and judicial enforcement. The most promising initiative in that regard was the drafting of an additional protocol to the International Covenant on Economic, Social and Cultural Rights. OHCHR was also implementing strategies for the advancement of those rights through its country and regional offices

and was putting in place initiatives on the rights to health, food and housing.

13. With respect to Millennium Development Goal 8 and the right to development, the most important initiative had been the establishment of criteria for the periodic evaluation of development partnerships, which had helped to move beyond dialogue to measures that would anchor that right in reality. OHCHR was currently developing indices and tools for that initiative.

14. The Memorandum of Understanding between OHCHR and the Government of Uganda and the Agreement setting up the OHCHR office in Guatemala were models of field cooperation between OHCHR and governments that were seriously committed to the promotion and protection of human rights in their countries and to seeking technical assistance in that regard. She hoped that they would set the standard for OHCHR efforts to implement human rights in specific settings, in partnership with governments and civil society actors.

15. On the question on country visits, she had just visited Haiti and would soon be visiting Israel and the Palestinian territories. She hoped to continue such visits, especially in countries where OHCHR had a solid engagement on the ground, whether through peacekeeping missions, self-standing offices or human rights advisers. On gender issues, she stressed that women's rights must be articulated clearly and be central to the United Nations human rights agenda.

16. On the question of treaty body reform, OHCHR had stressed the need for a robust, efficient and functioning human rights machinery. As there would be a massive increase in the volume of treaty body work as a result of the recent entry into force of the Optional Protocol to the Convention against Torture and the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, a stronger Secretariat infrastructure would be needed. It was in that context that a unified standing treaty body had been proposed. What form it took was entirely in the hands of Member States and of States parties to the various treaties and she looked forward to continued discussion of that initiative.

17. **Ms. Banks** (New Zealand) welcomed OHCHR country engagement activities and the Office's presence in the South Pacific region. She hoped that the General Assembly would adopt the draft Convention on the Rights of Persons with Disabilities and asked how OHCHR would assist in its implementation.

18. **Ms. Otani** (Japan) said that her delegation particularly appreciated the OHCHR Plan of Action and Strategic Management Plan. In principle, her Government supported the strengthening of OHCHR, inter alia through the doubling of its regular budget within five years. In that regard, emphasis should be placed on strengthening country offices and making effective use of financial resources. She wished to know to what extent OHCHR would focus on monitoring human rights in countries in post-conflict situations and on providing technical assistance. She would also welcome the High Commissioner's views on how the Human Rights Council should engage in the work of country offices.

19. **Mr. Babadoudou** (Benin) requested more details on the limitations in access referred to by the High Commissioner in her statement. Further information on the criteria used by OHCHR in deciding whether to open an office in a particular country would also be welcome.

20. Since condemnations of human rights violations in small countries were frequent, he wondered what strategy was being implemented to avoid double standards in addressing human rights violations. He would also like to hear more about efforts to address violations of the right to development and to know when countries would at least be criticized for violating the rights of their citizens to development in the same way that countries were criticized for killing their citizens or violating civil or political rights.

21. **Mr. Owade** (Kenya) asked how OHCHR envisioned the role that it would play in the implementation of the universal periodic review mechanism.

22. **Mr. Saidov** (Uzbekistan) noted that OHCHR had sent a mission to the Kyrgyz Republic, thereby disregarding the views of States in the region. That mission had had a negative attitude towards the region and it would be helpful to know what criteria had been used in selecting its members.

23. OHCHR had launched a Regional Project for Central Asia in 2004. Despite its success and requests by Governments of the region that it be continued, the

project had been suspended and its second phase had yet to be implemented. An explanation of the reasons for freezing the project would be appreciated.

24. **Ms. Kutz** (Canada) asked whether, in situations of impunity for serious human rights violations or of lack of protection for humanitarian aid or human rights workers, expanded human rights assistance or monitoring by or with the support of OHCHR made a difference in providing security or promoting accountability. It would be helpful to hear how States which were reluctant to avail themselves of the assistance offered by OHCHR could be encouraged to be more proactive in fulfilling their human rights obligations. In countries where OHCHR was welcome, it would be interesting to know what challenges it faced in attempting to play its role to the fullest.

25. **Mr. Alakhder** (Libyan Arab Jamahiriya) wondered whether Programme 19 of the Medium-term plan for the period 2002-2005 (Supplement No. 6 (A/55/6/Rev.1)) gave OHCHR mandates which might encroach on those of the Human Rights Council.

26. **Mr. Aksen** (Turkey) noting that many States had not ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families said that his delegation disagreed with those that argued that the rights set forth in that Convention were already covered by other instruments. He asked whether OHCHR had any programmes to raise awareness of the Convention and promote its ratification.

27. He would like to hear the High Commissioner's impressions of the work done by the Human Rights Council thus far and whether it was fostering greater cooperation in the protection of human rights, than the Commission on Human Rights had done.

28. **Ms. Tchitanava** (Georgia) said that she would appreciate hearing the High Commissioner's comments on recent developments concerning the protection of the human rights of Georgians living in the Russian Federation. Having already imposed a complete economic and transport embargo on Georgia, the Russian authorities, on the pretext of combating organized crime, terrorism and illegal migration, were actively profiling and discriminating against Georgians, including women and children. Georgian artists, writers and singers were being searched, individuals with "Georgian" facial features were being detained and businesses with branches in Georgia were being subjected to severe tax investigation. Educational and other establishments were being asked to report on individuals with Georgian surnames and Georgian migrants, including refugees, were being inhumanely treated and forcibly expelled from the Russian Federation. Families were being separated and children taken to places of custody apart from their parents. The previous day, a Georgian national awaiting deportation after being held in terrible conditions and denied medicines and water had died from an asthma attack at Moscow airport.

29. In Abkhazia and South Ossetia, the secessionist regimes had seized territory and exterminated Georgians and other nationalities, forcing some 300,000 survivors of ethnic cleansing and genocide from their homes. The OHCHR office established in Sukhumi in 1999 had achieved no tangible results in protecting human rights. The human rights situation in the conflict zones, especially in the Gali district populated mainly by Georgians, remained extremely precarious. Refugees there had no security and murders and disappearances of Georgians were continuing. The Georgian language was banned in schools. That information had already been brought to the attention of UNOMIG and the OHCHR office in Sukhumi, but repeated for the opening of an OHCHR office in Gali had not been acted upon because of the obstructive attitude of the Abkhaz side.

30. **Ms. Olivera** (Mexico) asked for information on OHCHR plans for follow-up to the Convention on the Rights of Persons with Disabilities.

31. **Mr. Moussa** (Burkina Faso) said that his Government had requested and received a visit in February 2005 from the Special Rapporteur on the human rights of migrants. That visit had been extremely valuable. His Government's capacity to follow up the Special Rapporteur's recommendations needed to be strengthened, however.

32. **Mr. Cumberbatch** (Cuba) asked what action OHCHR was taking to address the growing imbalance in the geographical distribution of its staff. He would like to hear the High Commissioner's reactions to the recommendations contained in the recent Joint Inspection Unit (JIU) report on follow-up to the Management Review of OHCHR (JIU/REP/2006/3). The OHCHR Plan of Action also contained important recommendations for strengthening OHCHR activities for the empowerment of women, increasing the

Office's regional presence and reforming the various treaty bodies. He asked when Member States would be able to discuss those recommendations, since some required intergovernmental decisions before they could be implemented. Lastly, not enough effort had been made to promote the right to development and he wondered what consideration OHCHR might give to a convention on that right.

33. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that OHCHR looked forward to servicing the new treaty body to be set up under the Convention on the Rights of Persons with Disabilities, whose broad scope, it was hoped, would have a cross-cutting influence on the work of the other treaty bodies.

34. Concerning Office of the United Nations High Commissioner for Human Rights country offices, technical assistance activities and human rights monitoring and reporting activities should not be viewed as separate areas of work. They were complementary and must be integrated if the work of country offices was to be effective and relevant. A country presence, or, at the very least, a regional presence was needed to enable OHCHR to respond to the realities of individual countries. Decisions on opening OHCHR country offices depended on Governments being fully committed to inviting human rights specialists into their countries to provide analysis and technical assistance: an OHCHR presence in a country attested to its Government's willingness to receive such assistance. Another factor in the decision was whether OHCHR could make a contribution that was not otherwise available through regional mechanisms or United Nations partners.

35. Economic, social and cultural rights and the right to development were much more difficult to identify and recognize than other human rights. Work was under way to design a structure in which those rights were defined and violations were remedied, but the task was fraught with difficulties.

36. The universal periodic review (UPR) was a highly innovative mechanism which distinguished the new Human Rights Council from the Commission on Human Rights. Its purpose was to address the legitimate claims of selectivity and politicization that had been made concerning the Commission's country-specific work and to ensure equitable treatment of all Member States in measuring compliance with human rights obligations. It also provided a blueprint for the human rights protection activities of national and regional mechanisms. The challenge was for the Human Rights Council to have a UPR that was robust but not excessively onerous, so as to allow a large number of countries to be reviewed within a reasonable time frame. The review process should not be superficial, however, nor should it duplicate the work of the treaty bodies.

37. With regard to plans for an OHCHR Regional Office for Central Asia, OHCHR aspired to a presence in all regions, especially those where a country presence was not feasible. Central Asia was one such region where the Office believed that it could offer assistance, using field staff selected on the basis of specific criteria, such as language, local expertise and human rights credentials.

38. With regard to ways of encouraging Member States' cooperation, Governments that were willing to promote and protect human rights were privileged working partners and should be assisted. Those that were resistant — not to say obstructive — would be more appropriately dealt with by the Human Rights Council, rather than OHCHR, because it was through the collective encouragement of other Member States that progress was most likely to be achieved. She hoped that the Human Rights Council would be prepared to take a firm stand in obliging reluctant States to commit to the development of human rights and not to resist improvement in their own countries.

39. With regard to Programme 19 of the medium-term plan for the period 2002-2005 contained in Supplement No. 6 (A/55/6/Rev.1), the Libyan representative had wondered whether the OHCHR programme might not encroach on the mandate of the Human Rights Council. She noted that an array of legislative mandates for the Office's work were cited in that document, including resolutions of the Commission on Human Rights and, more importantly, the General Assembly, especially General Assembly resolution 48/141 stipulating the High Commissioner's responsibility to promote and protect the effective enjoyment of all human rights.

40. She too was gravely concerned at the low level of ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Migration issues — as separate from refugee and asylum issues — should be anchored in human

rights, since migration was often triggered by flagrant violations of civil, political and economic rights. The Convention imposed no new obligations on States beyond those set forth in the International Covenants, which it simply reiterated with respect to a specific target group. If reluctance to ratify the Convention was based on the argument that it was inadequate, then the issues holding back its ratification should be addressed squarely. An appropriate human rights framework for migrants would address issues such as those raised by the representative of Georgia concerning the protection of migrants, human rights and freedom of movement and ensure due process and humane treatment for persons in transit or forced to move. The protection of minorities was also relevant to the overall debate on migration, which was a critical issue for the current decade.

41. She was grateful to the representative of Burkina Faso for his acknowledgement of the valuable contribution that the Special Rapporteur on the human rights of migrants had made in visiting his country. That made a welcome change from the frequent criticisms of thematic special rapporteurs. She also noted his Government's need for strengthened capacity to follow up the Special Rapporteur's recommendations. She hoped that his remarks would be heeded by the Human Rights Council when it came to review mandates and that they would persuade other Member States to welcome such country visits and to develop the necessary capacity to follow up any recommendations.

42. The representative of Cuba had raised concerns about equitable geographical distribution and had referred to the recommendations in the recent JIU report (JIU/REP/2006/3). Recommendation 6 concerning the mandate of the Advisory Panel on Personnel Issues (APPI) was, in her view, no longer relevant. APPI was a voluntary internal mechanism that OHCHR had put in place prior to the post-regularization exercise, when one third of its workforce had been recruited outside the Galaxy e-staffing system, in an attempt to provide a fair and equitable recruitment process and contribute to appropriate geographical representation. Its work was no longer central because most recruitment was handled through Galaxy and any improvements would have to be made in the regular United Nations recruitment system.

43. Recommendation 7 that OHCHR should compile annual lists of unrepresented or underrepresented countries for the Secretariat to take into consideration when organizing human rights examinations was also not germane, since such a task was clearly outside the Office's mandate. The Office of Human Resources Management (OHRM) did administer a human rights examination, but that simply perpetuated the current geographical profile of OHCHR. She emphasized that while the Office did not have the same profile as the Secretariat at large, it was not free to depart from the rules applicable to the Secretariat. She was confident that if OHCHR could secure more freedom of action, it would do better. Otherwise, she hoped that internal OHCHR initiatives would serve that purpose. She urged Member States to encourage their nationals to apply for human rights posts through the Galaxy system.

44. **Ms. Taracena-Secara** (Guatemala) thanked the High Commissioner for her visit to Guatemala in May 2006 and for her remark that the Agreement setting up the OHCHR office in Guatemala could serve as a model for other countries. It was at her Government's request that that Agreement had been negotiated with OHCHR. Although the Guatemala office had only been operational for a short time, the High Commissioner's report (E/CN.4/2006/Add.1) made many complex recommendations, some of them difficult to implement. Her Government was nonetheless prepared to put the necessary mechanisms in place. She would like to hear the High Commissioner's views on certain recommendations which her delegation considered to fall outside the mandate of OHCHR. Given Guatemala's particular interest in the United Nations Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance, she wondered what action could be taken to accelerate their implementation.

45. **Mr. Celnos-Cox** (United States of America) said that his delegation welcomed the expansion of the OHCHR field presence and looked forward to working with OHCHR in Geneva and in its field offices around the world. He asked the High Commissioner to elaborate on new initiatives that she might be considering for field offices in the coming years. He welcomed the creation of a democracy focal point in OHCHR and asked how it had advanced the democracy agenda. He would also be interested to know how his Government could help promote the democracy agenda

in the overall context of human rights and fundamental freedoms.

46. **Mr. Pato** (Togo) said that his country's new authorities were placing greater emphasis on human rights and had therefore requested that an OHCHR office be set up in Togo. Human rights were crucial, for without them there could be no development. One concern not systematically addressed by OHCHR was that massive human rights violations often occurred in the wake of mass demonstrations, since most countries' security forces were insufficiently trained in maintaining law and order and, in their ignorance, often appeared to confuse the maintenance of law and order with a show of force. He asked the High Commissioner whether she felt that OHCHR would give more importance to training in the maintenance of law and order.

47. **Ms. Arbour** (United Nations High Commissioner for Human Rights), referring to the remarks made by the representative of Guatemala, said that there would always be differences of opinion as to which recommendations were useful and which were not. She was nevertheless convinced that field work and reporting would continue to bear fruit. She was delighted at the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, but could not at present say what initiatives would be taken to accelerate its implementation. Although new, it should serve as a framework to guide countries seeking to promote indigenous rights.

48. Replying to the United States representative, she said that she was not at liberty to announce any specifics regarding new field offices, which were the subject of ongoing bilateral negotiations. OHCHR would certainly maintain its presence in peacekeeping missions and would continue to enhance its regional presence. Field offices required either a bilateral agreement with the Government concerned or a mandate from the Human Rights Council, but the likelihood of the latter was uncertain. Regarding the pursuit of democracy, OHCHR was an active member of the Programme Consultative Group and had been instrumental in setting up the United Nations Democracy Fund, which she hoped would soon yield results.

49. With regard to the question raised by the representative of Togo, it was true that gross human rights violations were often committed in the name of security. His suggestion would be taken up in the context of OHCHR training of police forces, to ensure that Governments were equipped to maintain law and order while respecting citizens' rights.

50. **Mr. Schölvinck** (Director of the Division for Social Policy and Development), recalling the terms of General Assembly resolution 60/232, said that the Ad Hoc Committee charged with drafting the Convention on the Rights of Persons with Disabilities had worked closely with OHCHR and that meetings of experts from the Department of Economic and Social Affairs (DESA) and OHCHR had been organized in connection with its seventh and eighth sessions. DESA had also explored ways of providing selected pre-session and in-session documents in Braille, as well as instantaneously transmitting electronic versions of in-session documents, at the Ad Hoc Committee's seventh and eighth sessions.

51. DESA had been responsible for managing the Voluntary Fund on Disability designed to facilitate the participation of representatives of non-governmental organizations at the Ad Hoc Committee's sessions and had provided them with an information note in English, French and Spanish on the procedures for accreditation, registration, funding and participation. All non-governmental organizations in consultative status with the Economic and Social Council had been sent a letter containing full information on the Ad Hoc Committee's sessions and on participation procedures. Queries from such organizations, national human rights institutions and intergovernmental and other bodies had been answered and special efforts had been made to accommodate the needs of non-governmental representatives to the Ad Hoc Committee, including allowing them extra time to register.

52. **Mr. Mokhiber** (Officer-in-Charge of the New York Office of the High Commissioner for Human Rights) introduced the reports of the Secretary-General submitted under agenda items 67 (b) and (c) on: globalization and its impact on the full enjoyment of all human rights (A/61/281); human rights and unilateral coercive measures (A/61/287); combating defamation of religions (A/61/325); the protection of human rights and fundamental freedoms while countering terrorism (A/61/353); missing persons (A/61/476); the right to development (A/61/211); the question of enforced or involuntary disappearances (A/61/289); the United Nations Human Rights Training and Documentation Centre for South-West Asia and the

Arab Region (A/61/348); the Subregional Centre for Human Rights and Democracy in Central Africa (A/61/352); and regional arrangements for the promotion and protection of human rights (A/61/513).

53. The report on regional arrangements for the promotion and protection of human rights contained information on progress towards the establishment of Regional Offices for Northern Africa, West Africa, Central America and Central Asia. OHCHR had also been taking various initiatives to strengthen existing Regional Offices, including those for South-East Asia and Latin America. Following the crisis in Lebanon, it had reinforced its Regional Office for the Arab Region and the Gulf in Beirut through the deployment of additional staff. Lastly, OHCHR had been endeavouring to develop further partnerships, including with regional and subregional organizations and institutions.

54. The High Commissioner for Human Rights had submitted a report on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (A/60/359). That report highlighted the fact that the peace process offered hope of continuing improvements in respect for human rights by all parties. At the same time, it stressed that there were many issues which still needed to be addressed, including abductions, ill treatment, killings and child recruitment by the Communist Party of Nepal-Maoist (CPN-M), as well as violations by the security forces. The Secretary-General's report on the situation of human rights in Turkmenistan (A/61/489) concluded that gross and systematic violations of human rights had continued in the country, notwithstanding gestures made by the Government. The main areas of concern referred to in the report were the situation of human rights defenders, severe restrictions on freedom of expression and information, including repression of political dissent, restrictions on freedom of religion, the situation of minorities, the use of torture, the absence of an independent judiciary and limited access to health-care services and education. The Secretary-General's report on the situation of human rights in Uzbekistan examined calls for the establishment of an international commission of inquiry to look into the facts and circumstances of the Andijan events, as well as allegations of human rights violations, the situation of human rights defenders and civil society.

55. **Ms. Lintonen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Montenegro and Serbia; and, in addition, Moldova and Ukraine, recalled that the Human Rights Council had been established to further strengthen the United Nations human rights machinery and pledged to continue working with other countries to enable the Council to start fulfilling all aspects of its mandate. The European Union attached great importance to strengthening the active participation of non-governmental organizations, national human rights institutions and the existing special procedures in the Council's work.

56. The European Union welcomed the Council's adoption at its first session of the United Nations Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance. The agreement reached on the Convention on the Rights of Persons with Disabilities had also been a major step forward. The European Union looked forward to the formal adoption of those three instruments by the General Assembly. It also reaffirmed its strong support for the work of the High Commissioner and her Office.

57. The European Union opposed the death penalty in all cases and under all circumstances. Abolition of the death penalty contributed to the enhancement of human dignity and the progressive development of human rights. The European Union called upon all States to abolish the death penalty and to apply an immediate moratorium on executions pending full abolition. It was deeply concerned at the ongoing discussion in some abolitionist countries in different parts of the world on reintroducing the death penalty and deplored the fact that in some countries, such as the Islamic Republic of Iran, minors were still being sentenced to death and executed, in clear violation of those countries' international legal obligations.

58. The European Union was alarmed at the deterioration of the human rights and humanitarian situation in the Sudan, particularly Darfur, where violence against civilians and the culture of impunity remained a grave concern. It called for an immediate end to ongoing human rights violations, including sexual and other forms of gender-based violence, and urged all parties to cooperate fully in the

implementation of relevant Security Council resolutions, in particular resolution 1593 (2005). It reminded the Sudanese Government of its responsibility to protect its citizens and guarantee respect for human rights.

59. The human rights situation in the Democratic People's Republic of Korea was continuing cause for concern. As the Special Rapporteur on the situation of human rights in that country had underlined, there were serious challenges with respect to, inter alia, the right to food, the right to life, the right to security of person and humane treatment and political rights such as freedom of expression.

60. In Myanmar, different civil society actors were trying to promote peaceful reconciliation and a transition to democracy. The European Union deplored the fact that the Government had so far been unwilling to compromise and to move in the direction of an all-inclusive democracy. The regime's campaign against the Karen people had made an already desperate human rights situation worse, resulting in ever-increasing numbers of internally displaced persons and refugees. The European Union also reiterated its call for the release of Aung San Suu Kyi and all other political prisoners and for the Government to engage all political and ethnic forces in a genuine dialogue with a view to bringing about true national reconciliation and the establishment of democracy.

61. The European Union was deeply concerned about serious problems in the protection of a range of human rights in Uzbekistan, including the rights to freedom of religion, expression and assembly. Allegations of torture continued and the Government had failed to implement fully the recommendations made by the Special Rapporteur on torture following his visit in 2002. The European Union deplored the Government's negative response to calls for an independent international investigation into the May 2005 events in Andijan and its general lack of cooperation with United Nations human rights mechanisms.

62. The European Union was deeply concerned at the situation in Sri Lanka, where there had been an escalation in violence and in violations of human rights and international humanitarian law, including extrajudicial killings, disappearances and the displacement of more than 200,000 people. It reiterated the need for a thorough investigation into alleged violations in order to end the culture of impunity and guarantee law and order. It also urged both sides to respect the ceasefire agreement, resume peace talks and guarantee access for humanitarian aid to the population.

63. The European Union was deeply concerned at the continuing human rights violations in the Democratic Republic of the Congo and the ongoing abuses, predominantly in eastern parts of the country, committed by members of the Congolese armed forces and militias. It called for an immediate end to sexual violence against women and girls and the recruitment of child soldiers and for an immediate end to impunity, in particular by ensuring that high profile crimes were properly investigated and the perpetrators brought to justice. It welcomed the peaceful holding of the first round of democratic elections in July 2006 and the broad participation of the Congolese people, but condemned the acts of violence that had occurred between 20 and 22 August. It requested the Congolese authorities to pursue the electoral process in peace and dignity and called on all political actors to observe a code of conduct for the electoral campaign, in particular with regard to the prohibition of the use of hate speech. Lastly, it called on the Congolese authorities to increase their cooperation with the Independent Expert, OHCHR and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

64. The European Union noted with concern the large number of attacks on human rights defenders and expressed deep regret at the murder of journalist Anna Politkovskaya in the Russian Federation, which should be investigated thoroughly and the perpetrators brought to justice. It was also deeply concerned at the deteriorating situation with regard to freedom of expression and the press and the status of human rights defenders in the Islamic Republic of Iran. It noted with concern a number of recent cases in which human rights defenders, including lawyers, labour protesters, journalists and members of ethnic and religious minorities, had been harassed, detained in harsh conditions or sentenced to lengthy prison terms for peacefully exercising their rights and urged the Iranian Government to comply with its international human rights obligations and release those detainees immediately.

65. The European Union was deeply concerned at the violent suppression of demonstrations in Zimbabwe, as well as arbitrary arrests and detentions, forced mass

evictions and the blocking of humanitarian assistance. The situation in Zimbabwe continued to be alarming and the European Union urged the Government to respect its citizens' human rights and fundamental freedoms. It would continue to support all those in Zimbabwe who were working for peaceful change, the restoration of democratic standards, human rights and the rule of law.

66. In Ethiopia, members of the opposition and civil society, including journalists and members of parliament, were being detained arbitrarily. The European Union hoped that judicial proceedings against those detainees would be concluded in the coming months. It was also concerned about the treatment of political and religious prisoners in Eritrea, who were being held in secret detention without trial.

67. Civil society activists had been intimidated in Belarus, where the European Union was disturbed at the ongoing threats against and illegal sentencing of non-governmental organizations and members of civil society and deplored the Government's unwillingness to respect international standards of democracy and human rights.

68. Intolerance and violence towards members of religious communities around the world continued to be cause for concern. The European Union condemned all forms of intolerance and discrimination based on religion or belief and urged States to ensure that their constitutional and legislative systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction.

69. The European Union urged all countries that had not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All States parties should make clear to their officials, including their police, military and other security forces, that torture would never be tolerated. The European Union welcomed the entry into force of the Optional Protocol to the Convention and called on all States to give early consideration to signing and ratifying it. It also urged all States to cooperate fully with the Special Rapporteur on torture.

70. **Mr. Liu** Zhenmin (China) said that the universal enjoyment of human rights was unattainable without international peace and security. Violence and armed conflict were all too prevalent and the United Nations should exert greater efforts in conflict prevention, peacebuilding and combating terrorism in all its forms. The Human Rights Council should focus on massive violations of human rights caused by armed conflict, especially international conflicts.

71. He welcomed the emphasis placed by the High Commissioner on promoting the right to development and eradicating the poverty which constrained many developing countries, especially the least developed countries. The international community, and the developed countries in particular, should take action to help those countries implement the Millennium Development Goals. He hoped that the unbalanced approach to the two categories of human rights would be effectively redressed.

72. The rights of vulnerable groups, such as women and children, persons with disabilities, migrant workers, indigenous people and ethnic minorities, deserved special respect and he therefore welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities.

73. One of the lessons drawn from the Commission on Human Rights was that power politics ran counter to democratic principles and that a human rights culture could not be fostered through confrontation. Nations with different social systems and different levels of development should respect and learn from each other through dialogue and cooperation. As the Human Rights Council set up its mechanisms and procedures, all sides should show resolve and patience in a joint endeavour to create the atmosphere of mutual trust and cooperation necessary for consultations on an equal footing.

74. The universal periodic review should be conducted in a fair, objective and non-selective manner in order to promote a constructive dialogue rather than allegations and accusations among nations on human rights issues. The special procedures should be set up in a democratic and transparent manner, and the reform of the human rights treaty bodies should be aimed at reducing the burden on States parties, improving efficiency, avoiding duplication and saving resources. OHCHR should improve the geographical representation and professionalism of its staff and be more open in accepting supervision by Member States. His Government was ready to cooperate with other countries in constructive consultations on those issues.

75. Under China's Constitution, human rights were respected and safeguarded by the State. The Government's aim in protecting human rights was to promote social harmony and comprehensive human development. In the past year, it had alleviated the burden on 800 million Chinese farmers by abolishing agricultural taxes. It was amending the Compulsory Education Act to waive all fees for compulsory education in rural areas, so as to better guarantee the right to education of some 160 million children in those areas. The codes of criminal, civil and administrative procedure were being amended and judicial reforms were also under way. International exchanges in the field of human rights had been carried out, and the Government was working with OHCHR to implement the Memorandum of Understanding on technical cooperation in human rights. China was a developing country with a population of 1.3 billion and much remained to be done for the promotion and protection of human rights. The Government was confident, however, that steady progress would be made and it was ready to increase its cooperation with other countries to promote the cause of human rights internationally.

76. **Mr. Abdelaziz** (Egypt) said that although the United Nations had done much to promote and protect human rights over the decades, the Human Rights Council had been established to overcome the selectivity, politicization and double standards that had hindered its efforts. So far, however, the Council had failed to do so, especially with respect to Lebanon and Palestine. Attempts by some States to impose their culture on the international community, while ignoring the cultural, ethnic and religious heritage of others, jeopardized the promotion and protection of human rights worldwide.

77. There was a need to confront attitudes of superiority in the field of human rights and to prevent national standards from being imposed as international human rights standards or being used to impose the will of a few States on others. The Security Council must not be used as a forum for dealing with human rights in a way that undermined the Human Rights Council or the General Assembly. There was also a need to avoid attempts to interpret the provisions of the World Summit Outcome document on the responsibility of the international community to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity in a way which permitted interference in the internal affairs of States or encroachments on their national sovereignty and territorial integrity. Efforts to combat terrorism must be conducted in accordance with human rights standards, including the most basic human right: the right to life. The international community must act in accordance with the principles of international law, international human rights law and international humanitarian law. States should be given unconditional technical and financial assistance so that their national efforts to promote human rights were complemented, rather than contradicted, by those of the international community, which must help to ensure that all rights were protected, including the right to development. Lastly, the human rights treaty bodies must not exceed their mandates. There was also a need to respect the principle of equitable geographical representation in United Nations human rights bodies, particularly OHCHR.

78. His Government had established national human rights mechanisms to present an objective account of the human rights situation in Egypt and to deal with allegations of human rights abuses. Efforts were being made to mainstream awareness of a human rights culture in educational institutions and the news media. His Government was firmly committed to pursuing the path of democracy and the promotion and protection of human rights and fundamental freedoms, in a spirit of cooperation among the State, the people, civil society and the private sector.

*The meeting rose at 6.10 p.m.*